

CODIFIED ORDINANCES OF LANCASTER
PART THIRTEEN - BUILDING CODE

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CODIFIED ORDINANCES OF LANCASTER
PART THIRTEEN - BUILDING CODE

CHAPTER 1301
Building Codes

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CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231
Ohio Building Code applicable to other structures - see Ohio R.C.
3781.06

1301.01 ADOPTING STANDARDS.

(a) The City enforces the Ohio Building Code's latest version as promulgated by the Ohio Board of Building Standards.

(b) The City enforces the Residential Code of Ohio's latest version as promulgated by the Ohio Board of Building Standards.
(Ord. 18-07. Passed 3-12-07.)

1301.02 DEFINITIONS.

(a) Whenever the term “jurisdiction” is used in the adopted Ohio Building Code and the Residential Code of Ohio, it shall mean the City of Lancaster.

(b) Whenever the term “Building Official” is used in the adopted Codes or this chapter, it shall mean the officer or other designated authority charged with the administration and enforcement of the adopted Codes or this chapter, as designated by the provisions of the Ohio Building Code and the Residential Code of Ohio respectively.

(c) Whenever the term “OBC” is used in the adopted Code or this chapter, it shall mean “Ohio Building Code” as designated through the Ohio Administrative Code Chapters 4101:1-1 to 4101:1-35.

(d) Whenever the term “RCO” is used in the adopted Codes or this chapter, it shall mean “Residential Code of Ohio” as designated through the Ohio Administrative Code Chapters 4101:8-1 to 4101:8-43.
(Ord. 18-07. Passed 3-12-07.)

1301.03 SCOPE.

(a) The Ohio Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures with the following exceptions:

- (1) Detached one-, two- and three-family dwellings and structures incidental to those dwellings which are not constructed as industrialized units shall comply with the Residential Code of Ohio adopted by the City of Lancaster. This exception does not include the energy provisions required in Chapter 13, Energy Efficiency, of the OBC.
- (2) Buildings owned by and used for a function of the United States government.
- (3) Buildings and structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade. For the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent (50%) or more of the gross income received from sales of produce in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (see Ohio R.C. 3781-06 and 3781.061).
- (4) Agricultural labor camps.
- (5) Type A or Type B family daycare homes.
- (6) Buildings or structures which are designed, constructed and maintained in accordance with Federal standards and regulations and are used primarily for Federal and State military purposes, where the U.S. Secretary of Defense has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates as he determines to be necessary to carry out the purpose of Chapter 1803 of the U.S.C.

- (7) Manufactured homes constructed under 24 CFR Part 3280, “Manufactured Home Construction and Safety Standards”.

(b) The Residential Code of Ohio shall apply to the construction, alteration, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every residential building or structure, any appurtenances connected or attached to such buildings or structures, or any accessory structures of every 1, 2, or 3 family residential structure. No buildings, or its equipment or accessories to which the rules of the board apply, shall be erected, constructed or installed, except in conformity with the rules of the board.

(Ord. 18-07. Passed 3-12-07.)

1301.04 PLAN APPROVAL.

Any owner or authorized agent who intends to construct, enlarge, alter, move, or change the occupancy of a building or structure, or portion thereof, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, plumbing system, other building service equipment or piping system the installation of which is regulated by the OBC or RCO, or to cause any such work to be done, shall first make application to the Building Official and obtain the required approval.

(Ord. 18-07. Passed 3-12-07.)

1301.05 TIME LIMITATION OF APPLICATION.

(a) The approval of construction documents under this rule is a “license” and the failure to approve such plans as submitted within thirty days after filing or the disapproval of such plans is an “adjudication order denying the issuance of a license” requiring the opportunity for an “adjudication hearing” as provided by Ohio R.C. 199.07 to 199.13 and as modified by Ohio R.C. 3781.031 and 3781.19. An adjudication order denying the issuance of a license shall specify the reasons for such denial.

(b) If construction documents have been reviewed for compliance with the rules of the Board, a correction letter-adjudication order has been issued to the owner, and the owner has neither exercised the right to appeal nor resubmitted corrected documents, the application is invalid six months from the date of the issuance of the correction letter-adjudication order.

(Ord. 18-07. Passed 3-12-07.)

1301.06 PERMIT APPLICATION.

(a) By Whom Application Is Made. Application for a building permit shall be made by the owner or lessee of the building or structure, or agent of either or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner of record, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner of record and that the applicant is authorized to make such application. The full names and addresses of the owner, building contractor, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

(b) Site Plan. A site plan is required to be submitted showing to scale the size and location of all existing structures on the site including setback and side yard dimensions, all property and interior lot lines, distances from lot lines, and the location of the nearest streets. The site plan shall also show elevations of the finished floor, lot grading, corners, swales and storm water routes. In case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for approval is for alteration or repair or when otherwise warranted. (Ord. 18-07. Passed 3-12-07.)

1301.07.1 PERMIT EXPIRATION FOR OHIO BUILDING CODE AND RESIDENTIAL CODE OF OHIO.

(a) The approval of construction documents and specifications or data in accordance with this section is invalid if construction, erection, alteration or other work upon a building or structure has not commenced within twelve months of the approval of the construction documents and specifications.

(b) One extension shall be granted for an additional twelve-month period if requested by the owner at least ten days in advance of the expiration of the approval and upon payment of an extension fee. (Ord. 37-07. Passed 7-16-07.)

1301.07.1.1 PERMIT/TAP EXPIRATION.

Permit/tap expiration periods other than Ohio Building Code, Residential Code of Ohio and demolition shall be established by administrative order of the Mayor. (Ord. 37-07. Passed 7-16-07.)

1301.07.2 PERMIT EXTENSION.

If in the course of construction work is delayed or suspended for more than six months, the approval of plans or drawings and specifications or data is invalid. Two extensions shall be granted for six months each if requested by the owner at least ten days in advance of the expiration of the approval and upon payment of a fee for each extension. (Ord. 18-07. Passed 3-12-07.)

1301.07.3 DEMOLITION PERMIT.

(a) Service Connections. Before a structure can be demolished or removed, the owner or agent shall notify all utility companies having service connections within the structure such as water, electric, gas, sewer, cable TV and other connections. A permit to demolish or remove a structure shall not be issued until their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner acceptable to the Building Inspector.

(b) Owner's Responsibility. The owner or owner's agent is responsible for the safety and health of the work site during demolition and during removal of debris. Traffic control, EPA abatement permits, security, and safety fencing shall be the owner or owner's agent responsibility.

(c) Historic Property. The Lancaster Building Department shall determine if a structure or building is a listed property which is protected by the Historic Preservation Chapter 1327. If that is the case, the appropriate certificate shall be obtained from the Historic Lancaster Commission before a permit may be issued.

(d) Accessory Buildings. Accessory buildings less than 200 square feet do not require a demolition permit and may be removed at the discretion of the property owner.

(e) Demolition Permit. A demolition permit expires 45 days after its issue date. A demolition permit may be renewed for the standard renewal fee as with other permits if approved by the Building Official.
(Ord. 18-07. Passed 3-12-07.)

1301.08 LOT REGULATIONS FOR REMOVAL OF STRUCTURES.

Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, the restoration of established grades and the erection of the necessary retaining walls and fences.
(Ord. 18-07. Passed 3-12-07.)

1301.09 PERMIT, DEMOLITION AND RENEWAL FEES.

No permit as required by the Building Code shall be issued until the fee prescribed in the adopted fee schedule has been paid. No amendment to a permit shall be approved until the additional fee, if any, has been paid. The Fee Schedule shall be adopted by an administrative action of the Mayor.
(Ord. 18-07. Passed 3-12-07.)

1301.10 NONQUALIFICATION FOR PERMIT.

A permit shall not be issued, or, if already issued a permit shall be terminated by the Building Inspector or Building Official, where the building contractor listed in the permit application, or contractor hired subsequent to the issuance the permit, is one who is not a registered contractor with the City of Lancaster per the rules of the contractor registration program. (Ord. 18-07. Passed 3-12-07.)

1301.11 RESIDENTIAL CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

All residential buildings or structures regulated by the RCO shall be designed and constructed in accordance with the provisions of the RCO using the design criteria set forth in that code and the conditions set forth below:

(a)	Ground Snow Load	25 psf
(b)	Wind Speed	90 mph
(c)	Seismic Design Category	B
(d)	Winter Design Temperature	5 degrees F.
(e)	Ice Shield Underlayment Req.	Yes
(f)	Flood Hazards	Nov 1979, FDPO, NFIP
(g)	Air Freezing Index	1,000
(h)	Mean Annual Temperature	50 degrees F.
(i)	Subject to Damage From:	
	(1) Weathering	Severe
	(2) Frost Line Depth	32 inches
	(3) Decay	Slight to Moderate
(j)	Termitec	Moderate to Heavy

(Ord. 18-07. Passed 3-12-07.)

1301.12 ACCESSORY STRUCTURES.

- (a) Commercial Accessory Structures (OBC).
- (1) More than 120 square feet. Detached utility structures larger than 120 square feet require a construction permit.
 - (2) 120 square feet or less. Detached utility structures 120 square feet or less require a zoning permit and inspection to ensure emergency egress, ADA compliance of site, and ensure structure is anchored to the ground in an approved manner.
- (b) Residential Accessory Structures (RCO).
- (1) More than 200 square feet. Residential detached utility structures more than 200 square feet require a construction permit. Plans submitted must include construction plans, site plans including compliance with zoning regulations.
 - (2) 200 square feet or less. Detached utility buildings 200 square feet or less require a zoning permit and inspected to ensure the structure is anchored in an approved manner.
(Ord. 18-07. Passed 3-12-07.)

1301.13 RESERVED.

(EDITOR'S NOTE: This section is reserved for future legislation.)

1301.14 VIOLATION.

(a) Prosecution of Violation. Any person, firm, or corporation that is in conflict of this code or fails to comply with a notice of violation or order shall be deemed guilty of a first degree misdemeanor. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

(b) Assessment. Any action taken by the authority having jurisdiction on such premises may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
(Ord. 18-07. Passed 3-12-07.)

1301.15 NOTICE.

(a) Notice to Person Responsible. Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in this section to the person responsible for the violation.

(b) Form. Such notice prescribed in subsection (a) hereof shall be in accordance with all of the following:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the violation or violations and why the notice is being issued;

- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code;
- (5) Inform the property owner of the right to appeal;
- (6) Include a statement of the right of the City to file a lien in accordance with Section 1301.14;

(c) Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
- (2) Sent by certified or first class mail addressed to the last known address; or
- (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
(Ord. 18-07. Passed 3-12-07.)

1301.16 APPEALS.

(a) Ohio Residential Code Appeals. An appeal of an order under the Residential Code of Ohio shall be to the Structural Appeals Board pursuant to Section 1303.06. An appeal must be filed within twenty days after service of the notice.

(b) Ohio Building Code Appeals. An appeal of an order under the Ohio Building Code must be filed within 30 days of the mailing of the notice to the Ohio Board of Building Standards, pursuant to the Ohio Revised Code and Ohio Administrative Code.
(Ord. 18-07. Passed 3-12-07.)

1301.17 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of a dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of an compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. 18-07. Passed 3-12-07.)

1301.18 FEES.

The permit fees for this chapter shall be adopted by administrative action of the Mayor. All fees must be paid prior to issuance of a permit.

(Ord. 18-07. Passed 3-12-07.)

1301.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. Each day that a violation continues shall constitute a separate offense.

(Ord. 18-07. Passed 3-12-07.)

CHAPTER 1302
National Electrical Code (Repealed)

(EDITOR'S NOTE: Former Chapter 1302 was repealed by Ordinance 28-05, passed May 23, 2005.)

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231, Chapter 3783
Electrical - see CABO One and Two Family Dwelling Code Part
VI (S-26.6000)

**CHAPTER 1303
Technical Codes**

1303.01	Adoption by reference.	1303.07	Reserved.
1303.02	Permit fees.	1303.08	Nonqualification for permit.
1303.02.1	Failure to pay reinspection fee.	1303.09	Reserved.
1303.03	Permit expiration.	1303.10	Reserved.
1303.04	Demolition permit.	1303.11	Violation.
1303.05	Lot regulations for removal of structure.	1303.12	Notice.
1303.06	Appeal; membership and qualifications of Appeal Board members.	1303.13	Reserved.
		1303.14	Transfer of ownership.
		1303.15	Return to County Auditor for assessment.
		1303.16	Administrative processing fee.
		1303.99	Penalty.

1303.01 ADOPTION BY REFERENCE.

- (a) Lancaster Fire Code.
(Ord. 12-21. Passed 4-26-21.)
- (b) (EDITOR'S NOTE: Former subsection (b) was repealed by Ordinance 12-21, passed April 26, 2021.)
- (c) (EDITOR'S NOTE: Former subsection (c) hereof was repealed by Ordinance 12-07, passed 3-12-07.)
- (d) 2021 International Property Maintenance Code.
(Ord. 13-21. Passed 4-26-21.)
- (e) (EDITOR'S NOTE: Former subsection (e) was repealed by Ordinance 12-21, passed April 26, 2021.)
- (f) (EDITOR'S NOTE: Former subsection (f) hereof was repealed by Ordinance 13-07, passed 3-12-07.)
- (g) (EDITOR'S NOTE: Former subsection (g) was repealed by Ordinance 12-21, passed April 26, 2021.)
- (h) Standards for gas piping on customer's premises, March 15, 2007.
(Ord. 19-07. Passed 3-12-07.)

1303.02 PERMIT FEES.

That Permit Fees for all of the codes mentioned in Chapter 1303 shall be adopted by administrative action of the Mayor. All fees must be paid prior to issuance of a permit. (Ord. 33-05. Passed 5-23-05.)

1303.02.1 FAILURE TO PAY REINSPECTION FEE.

A reinspection fee as established within the adopted Lancaster Fee Schedules may be assessed by the Code Enforcement Officer. Reinspection fees must be paid within ten days of the inspection. Failure to pay reinspection fee shall be subject to penalties of Section 1303.99. (Ord. 17-07. Passed 3-12-07.)

1303.03 PERMIT EXPIRATION.

All permits issued under Chapter 1303 shall expire twelve months after they have been issued. The permit holder may apply for one twelve month renewal prior to the permit's expiration. (Ord. 33-05. Passed 5-23-05.)

1303.04 DEMOLITION PERMIT.

(a) Service Connections. Before a structure can be demolished or removed, the owner or agent shall notify all utility companies having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utility companies stating that their respective service connection and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

(b) Historic Property. The City Manager shall determine if the structure or building in issue is a listed property which is protected by the Historic Preservation Chapter 1327. If that is the case, the appropriate certificate shall be obtained from the Historic Lancaster Commission before a permit may be issued.

(c) A demolition permit expires 45 days after its issue date. (Ord. 35-05. Passed 5-23-05.)

1303.05 LOT REGULATIONS FOR REMOVAL OF STRUCTURES.

Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, the restoration of established grades and the erection of the necessary retaining walls and fences. (Ord. 35-05. Passed 5-23-05.)

1303.06 APPEAL; MEMBERSHIP AND QUALIFICATIONS OF APPEAL BOARD MEMBERS.

(a) Right to Appeal. Any person affected by a decision of a Code Official or a notice or order issued under any of the specified model codes except the Ohio Building Code shall have the right to appeal to the Structural Board of Appeals, provided that a written application for appeal is filed within thirty (30) days after the day the decision, notice or order was served. Appeals from a decision under the Ohio Building Code shall be filed with the Industrial Compliance Commission pursuant to the requirements of the Ohio Building Code, the Ohio Revised Code, and the Ohio Administrative Code. (Ord. 8-19. Passed 4-22-19.)

(b) Conflicts. Where any conflicts occur between the currently adopted Ohio Building Code and any of the technical codes adopted in Lancaster Codified Ordinance 1301.01 and 1303.01, the Ohio Building Code shall control.

(c) Limitation on Authority. An application for appeal shall be based on a claim that the true intent of the applicable code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the applicable code do not apply, or the requirements of this code are adequately satisfied by other means.

(d) Board Structure. The Board of Appeals shall consist of three members appointed by the Mayor as follows: one for four years, one for three years, and one for two years. Thereafter, each new member shall serve for five years or until a successor has been appointed. The Mayor may also reappoint a board member at the expiration of the Board member's term.

(e) Vacancies. The Mayor shall fill a vacancy for an unexpired term in the manner in which the original appointment was made.

(f) Board Member Qualifications. The Board of Appeals shall consist of three individuals, each of which shall meet one of the following professions or disciplines:

- (1) A firefighter or law enforcement officer retired or from a jurisdiction other than the City of Lancaster.
- (2) A state licensed tradesman (plumbing, HVAC, electrical, retired or current). (Ord. 30-05. Passed 5-23-05.)
- (3) An engineer or architect, retired or current with a current or former state license or four (4) year degree in engineering or architecture. (Ord. 78-05. Passed 11-28-05.)

(g) Board Meetings. The Board shall meet within thirty days of the filing of an appeal, or at stated periodic meetings.

(h) Board Decisions. The Board shall modify or reverse the decision of the code official by a majority vote.

(i) Board Procedures. The Board shall elect a chairman. The Chairman shall be a voting member. The Board shall adopt rules and forms of procedure for conducting the business of the Board.

(j) Removal from Office. Members shall be removed from office prior to the end of their terms only for cause. Continued absence of any member from regular meetings of the board shall, at the discretion of the Mayor, render any such member liable to immediate removal from office.

(k) Quorum. Two members of the board shall constitute a quorum.

(l) Secretary of Board. The Law Director or his/her designee shall act as secretary of the board and keep a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member and any failure of a member to vote pursuant to rule procedures adopted by the board.

(m) Legal Counsel. The Law Director shall furnish legal counsel to the Board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the City's expense in all matters arising from services within the scope of their duties.

(n) Conflict of Interest. Members with a material or financial interest in a matter before a board shall declare such interest and refrain from participating in discussions, deliberations, and voting on such matter.

(o) Decisions. Every decision shall be promptly filed in writing in the office of the code official and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant.

(p) Any model code provision not effected by this section or any other Lancaster Codified Ordinance shall remain in full effect.
(Ord. 30-05. Passed 5-23-05.)

1303.07 RESERVED.

(EDITOR'S NOTE: This section is reserved for future legislation.)

1303.08 NONQUALIFICATION FOR PERMIT.

A permit shall not be issued or, if already issued, a permit shall be terminated by the Building Inspector, where the building contractor listed in the permit application, or a contractor hired subsequent to the issuance of the permit, is one who is not a registered contractor with the City of Lancaster.
(Ord. 30-05. Passed 5-23-05.)

1303.09 RESERVED.

(EDITOR'S NOTE: This section is reserved for future legislation.)

1303.10 RESERVED.

(EDITOR'S NOTE: This section is reserved for future legislation.)

1303.11 VIOLATION.

(a) Prosecution of Violation. Any person, firm, or corporation that is in conflict of this code or fails to comply with a notice of violation or order shall be deemed guilty of a first degree misdemeanor. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(b) Ohio Building Code Violations. Violations of the Ohio Building Code shall be governed by the rules and regulations prescribed in said code.
(Ord. 35-05. Passed 5-23-05.)

1303.12 NOTICE.

(a) Notice to Person Responsible. Whenever the code official determines that there has been a violation of this code other than under the Ohio Building Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in this section to the person responsible for the violation.

(b) Form. Such notice prescribed in subsection (a) shall be in accordance with all of the following:

- (1) Be in writing.
- (2) Includes a description of the real estate sufficient for identification.
- (3) Include a statement of the violation or violations and why the notice is being issued.
- (4) Includes a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- (5) Inform the property owner of the right to appeal.
- (6) Include a statement of the right of the City to file a lien in accordance with Section 1303.11.

(c) Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
- (2) Sent by certified or first-class mail addressed to the last known address; or
- (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
(Ord. 35-05. Passed 5-23-05.)

1303.13 RESERVED.

(EDITOR'S NOTE: This section is reserved for future legislation.)

1303.14 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of a dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. 35-05. Passed 5-23-05.)

1303.15 RETURN TO COUNTY AUDITOR FOR ASSESSMENT.

Upon the performance of the labor under the provisions of Chapter 1303, the Law Director's Office shall make a return in writing to the Auditor of Fairfield County of such charges, which shall be entered upon the tax duplicate of the County.

(Ord. 9-09. Passed 5-11-09.)

1303.16 ADMINISTRATIVE PROCESSING FEE.

(a) The fee charged by a contractor, contracted by the City to remove, abate, or create compliance with the technical codes adopted in Lancaster Codified Ordinance 1303.01 shall be presented to the Fairfield County Auditor per Section 1303.15. In addition, an Administrative Processing Fee shall be charged by the City and added to the tax duplicate of the County.

(b) The Administrative Processing Fee shall be adopted pursuant to Section 1301.18. (Ord. 9-09. Passed 5-11-09.)

1303.99 PENALTY.

Any person, firm or corporation, failing to comply with any order issued pursuant to any code provision or section thereof, shall be guilty of a misdemeanor of the first degree, and upon conviction thereof, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both. The imposition of the penalties herein described shall not prevent the Director of Law from instituting appropriate action: to prevent an unlawful construction or restrain, correct or abate a violation; or to prevent illegal occupancy of a building, structure or premises; or to stop an illegal act, conduct of business or use of a building or structure in or about any premises. Each day a violation continues constitutes a new offense. (Ord. 35-05. Passed 5-23-05.)

CHAPTER 1311
Permit to Obstruct Streets

1311.01	Twelve-hour restriction on street obstruction.	1311.03	Forfeit of deposit.
1311.02	Permit issuance; deposit.	1311.99	Penalty.

CROSS REFERENCES

Piling earth on streets - see Ohio R. C. 5589.10
Street and sidewalk obstructions - see GEN. OFF. 553.03
Street excavation permit - see S.U. & P. S. Ch. 901
Disposal of building construction refuse - see S.U. & P. S. 937.05

1311.01 TWELVE-HOUR RESTRICTION ON STREET OBSTRUCTION.

No person shall place or cause to be placed any wood, scantling, boards, shavings, stone, bricks or scraps of leather or rags, or pile any empty boxes, barrels, hogsheads or other conveniences capable of containing goods, wares or merchandise, or that may have contained goods, wares or merchandise, or put, place or cause to be placed any other materials whatsoever upon any of the public streets or commons within the City, whereby the full and free use of the same may be in any way obstructed, and not cause the same to be removed within the space of twelve hours thereafter. (1939 R.O., 1:03)

1311.02 PERMIT ISSUANCE; DEPOSIT.

Any resident desirous of improving his property, in the process of which brick, stone, timber or other building materials shall be necessary, may, upon application to the Safety-Service Director and upon depositing with him the sum of fifty dollars (\$50.00), obtain a permit in writing to use and occupy any part of the public grounds, streets or sidewalks not exceeding fifteen feet from the curb line as a place of deposit for the materials aforesaid. The Safety-Service Director is authorized at his discretion to grant permits for the purpose aforesaid, for such length of time and to as great an extent as the safety or convenience of the public will permit. (1939 R. O., 1:03)

1311.03 FORFEIT OF DEPOSIT.

Whoever obtains a permit to use the streets and neglects to cause all materials to be entirely removed within two weeks from the streets, sidewalks or commons after the expiration of such permit and fails to restore such public ways to their former condition shall forfeit the sum deposited. (1939 R.O., 1:03)

1311.99 PENALTY.

Whoever violates this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00). (Ord. 72-55. Passed 11-28-55.)

CHAPTER 1317
Signs

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CROSS REFERENCES

Power to regulate billboards and signs - see Ohio R.C. 715.27

1317.01 PURPOSE.

The purpose of these regulations is to prevent signs from becoming a distraction or obstruction to the safe and efficient flow of pedestrians and vehicular traffic, to prevent signs from having an adverse impact on adjacent properties or uses, to encourage the development of signage system that promote an active economic and business environment, and thereby protection of the general health, safety, and welfare of the citizens of the City of Lancaster. (Ord. 23-18. Passed 11-26-18.)

1317.02 DEFINITIONS.

As used in this chapter, the following words or phrases shall have the meaning herein:

- (a) "Sign" means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product.
- (b) Other Definitions.
 - (1) "Animation" means the presentation of pictorials and graphics on signs displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes.

- (2) “Awning” means a shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework. An ‘awning sign’ is a sign that is attached to or a part of such structure.
- (3) “Banner” means a nonrigid cloth, plastic or canvas sign with no enclosing framework typically related to a special event or promotion. For the purposes of this Article, the term “banner” shall not include official flags of public entities, or civic, philanthropic, educational or religious organizations.
- (4) “Billboard” means an off-premises sign more than two hundred (200) square feet in area, which is owned by a person, corporation or other entity that engages in the business of selling the advertising space on that sign.
- (5) “Canopy” means a structure separate from, but associated by use with a principal building. Such structure is supported independently by posts or columns, is open on all sides, and is intended only for shelter or ornamentation. A ‘canopy sign’ is a sign that is attached to or a part of the roof of such a structure.
- (6) “Changeable copy sign” means a sign which, in whole or in part, provides for periodic changes in the material or message composing the sign. This definition includes both electronically and manually changeable signs.
- (7) “Character” means any letter of the alphabet or numeral.
- (8) “Curb Level” means the mean level of the established curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish such curb level or its equivalent for the purposes of this Code.
- (9) “Directional sign” means any sign which indicates the direction of the specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.
- (10) “Flashing Illumination” means a light source or other image which in whole or in part physically changes in light intensity or gives the appearance of such change.
- (11) “Freestanding sign” means a sign which is mounted to the ground and is wholly independent of any building for support.
- (12) “Ground sign” means a freestanding detached sign whose support structure is embedded in the ground in such a manner that the sign appears to be resting directly on the ground.
- (13) “Height, Sign” means the vertical distance measured from the curb level to the highest point of the sign.
- (14) “Marquee” means a multisided overhead structure or architectural projections supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. ‘Marquee sign’ means a sign that is attached, mounted to, or made a part of a marquee.

- (15) “Menu board” means a freestanding sign not more than forty (40) square feet in area, which is located so as to be primarily visible by persons in vehicles within the internal circulation driveway or parking area on the site.
- (16) “Movement” means physical movement or revolution of a sign or portion of a sign up or down, around or sideways.
- (17) “Mural” means a large picture or graphic illustration that is painted or mounted directly to the surface of an existing building, and covers more than thirty percent (30%) of the building face on which it is displayed.
- (18) “Nameplate” means a sign, attached flush against a building identifying the name of the building or the name of an occupant thereof.
- (19) “Off-premises sign” means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.
- (20) “Pennant” means a triangular shaped banner displaying no image or words.
- (21) “Permanent sign” means a sign intended to be erected or used, or in fact which is used for a time period in excess of sixty (60) days.
- (22) “Portable sign” means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include trailer and A-frame signs.
- (23) “Projecting sign” means a sign which extends outward perpendicular to the building face.
- (24) “Public sign post” means a post, pole, or other structure on which a public safety sign or traffic control device is located.
- (25) “Roof sign” means a sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building.
- (26) “Sign” means any object, device, structure or part thereof used to advertise, identify, display or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.
Signs as defined herein do not include the flag or emblem of any nation, organization of nations, state, city or any fraternal, religious or civic organizations; one corporate flag; works of art which in no way identify a product; temporary holiday decorations; or landscape features which display no words or symbols.
- (27) “Sign, Business” means any sign which directs attention to a business, commodity, service, or entertainment conducted on the premises.
- (28) “Sign, Construction” means a temporary sign erected during the period of construction advertising the construction of improvements on the property.
- (29) “Sign Illuminated” means any sign which is directly lighted by any electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

- (30) “Sign, Real Estate” means a temporary sign advertising the sale, rental, or lease of the lot or portion thereof on which the sign is located.
- (31) “Sign, Revolving or Rotating” means a sign or sign part which rotates or revolves.
- (32) “Streamer” means a ribbon or cord-like rope, which may have multiple pennants or ribbons attached, which is stretched between two (2) supports.
- (33) “Temporary sign” means a sign intended to be used, or in place used, for a time period of sixty (60) days or less.
- (34) “Wall sign” means a sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs including painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.
- (35) “Wind Device” means any flag, banner, pennant, streamer or similar device that moves freely in the wind.
- (36) “Window sign” means a sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.
(Ord. 23-18. Passed 11-26-18.)

1317.03 PROHIBITED SIGNS.

Signs that are not specifically permitted in this chapter shall be considered as prohibited. Without restricting or limiting the generality of the foregoing provision the following signs are specifically prohibited:

- (a) Flashing or high intensity lights mounted on a sign.
- (b) Any sign that obstructs any part of or direct access to a doorway, exit or fire escape.
- (c) Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal, pursuant to Ohio R.C. 4522.26 and Section 313.07 of the Codified Ordinances of the City of Lancaster.
- (d) Any permanent or temporary sign located on a utility pole, public sign post or otherwise displayed within the public right-of-way, pursuant to Section 541.09 of the Codified Ordinances, except as may be specifically controlled herein.
- (e) Any sign located so as to obscure the clear vision within thirty feet (30’) from the curb face of any street and/or alley intersection.
- (f) Portable or temporary signs that are not anchored or secured so as to prevent collapse or unintended movement.
- (g) Roof signs.
(Ord. 23-18. Passed 11-26-18.)

1317.04 SIGNS EXCLUDED FROM REGULATIONS.

The following signs are excluded from the regulations and requirements of this chapter:

- (a) Signs not exceeding four (4) square feet in area that are customarily associated with residential use, including address and/or name of occupants of the structure, signs on mailboxes or newspaper tubes, signs posted on property related to private parking, signs denoting security systems being used on the site, and signs warning against trespassing or danger from animals. Signs associated with home occupations and/or any non-residential use of the property shall not be excluded from these regulations.
 - (b) Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs including legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.
 - (c) Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.
 - (d) Signs which are in the nature of cornerstones, commemorative tables and historic designation, provided such signs are less than twelve (12) square feet in size and not illuminated.
 - (e) Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
 - (f) Flags or insignias of any governmental entity when not displayed as an advertising device or in connection with any commercial promotion.
- (Ord. 23-18. Passed 11-26-18.)

1317.05 SIGN PERMITS AND ADMINISTRATION.

(a) Permit Required. No sign, except as exempted in Section 1317.04 or 1317.06 shall hereafter be erected, constructed, replaced, changed out, or maintained within the City of Lancaster unless a permit for the same has been issued by the Zoning Inspector. Application for a permit to construct or erect a sign shall be made by the owner of sign, or the property owner upon which the sign is proposed, or his/her agent. An application for the placement of a sign shall be made by the owner of the sign, the property owner upon which the sign will be placed, or their agent and shall include:

- (1) The name and address of the sign installer shall be included.
- (2) A site plan, drawn to scale, shall accompany the application that includes the type sign applied for.
- (3) Color graphics of the sign including the dimensions of the sign and its elements.
- (4) The proposed setbacks from the property line(s).
- (5) A fee shall be paid for each sign submitted as set forth by the Fee Schedule maintained by the City of Lancaster Building Department.
- (6) A building permit application shall be submitted to the Certified Building Department for plan review for all signs requiring a foundation, have special anchoring requirements, must meet special wind load capabilities, require electrical connection to an electrical source. Fees for this type permit are set forth by the Fee Schedule.

(b) Action on Sign Permit. The Zoning Inspector shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this chapter have been met. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefore.

(c) Appeals. Any decision made by the Zoning Inspector under the terms of this chapter may be appealed to the Board of Zoning Appeals in the manner set forth in Chapter 1157 of the Codified Ordinances.

(d) Permit Expiration. Sign permits must be acted upon within one year from the date of issue or will expire.

(e) Administrative Approval. The zoning official or building official may, after reviewing an application for sign placement, determine if the sign installer must register as a contractor with the City of Lancaster.
(Ord. 23-18. Passed 11-26-18.)

1317.06 SIGNS WHICH DO NOT REQUIRE A PERMIT.

The following signs may be erected without a permit. Such signs, however, shall be subject to all other provisions of this chapter:

- (a) Any temporary sign, as defined in Section 1317.02(b)(33), except for those temporary signs that exceed the standards cited in the sections below.
- (b) Signs or posters concerning candidates for elective office, public issues and similar matter to be decided by public election, to be removed no later than one (1) week after such election, subject to penalty. Such signs shall not exceed eight (8) square feet in area, shall not be illuminated, and shall not be located within a public right-of-way nor be affixed to any public utility pole or street tree. In addition, such sign shall not be located in any manner so as to create a safety or visibility hazard. Signs that exceed the standard of this section shall require a sign permit.
- (c) Signs that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed eight (8) square feet in area. One such sign shall be allowed per street front. Such signs shall not be located in a public right-of-way.
- (d) Credit card decals, store hour specifications, “open” or “closed” signs, or similar signs that do not display any advertising message, and do not exceed an aggregate area of eight (8) square feet.
- (e) Signs, which do not exceed eight (8) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building where more than one tenant is located and which has individual and separate entities.
- (f) A sign which advertises the sale of personal property, such as a garage sale, yard, porch or moving sale sign, provided such sign is displayed for a time period not greater than three (3) consecutive days, and is not to be located in a public right-of-way or affixed to any public utility pole or street tree. Such signs shall not be located in such a manner so as to create a safety or visibility hazard.
- (g) Temporary construction signs which display the identification of the construction project, including identification of the contractors, architects and other construction principals. Such construction signs shall be limited to one (1) per construction site, shall not exceed thirty-two (32) square feet in area and shall be removed upon completion of construction or the commencement of occupancy, whichever event occurs first. Such signs shall not be located within the public right-of-way.

- (h) Signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations. All such signs shall be removed not later than three (3) days after the scheduled activity.
- (i) Signs erected in parks or play fields, denoting sponsorship or support for youth sports or similar activities.
- (j) Signs determined by the Board of Zoning Appeals to be similar to those specified in subsections (a) - (i) herein.
(Ord. 23-18. Passed 11-26-18.)

1317.07 GENERAL REQUIREMENTS; TEMPORARY SIGNS.

Temporary signs shall be subject to the following general requirements:

- (a) Not more than two (2) temporary signs, not including signs as specified in Section 1317.04 and 1317.06 herein, shall be permitted on any individual property at one time. One (1) additional temporary sign may be erected on a property that has frontage on more than one (1) street.
- (b) Temporary signs shall be constructed of such material that will allow the sign to be maintained in good repair for the period it is to be displayed. Generally, the use of unprotected cardboard or paper products as sign material shall be prohibited, unless it is demonstrated that this standard is met.
- (c) Banners less than forty (40) square feet in area are permitted as temporary signs, provided such banners are secured to prevent movement which would allow any portion of the banner to extend into the street right-of-way. Pennants, feather signs and/or streamers are permitted only as temporary signs and may be displayed for two (2) sixty (60) day periods in a calendar year.
- (d) Temporary freestanding changeable copy signs and portable signs shall be considered as Special Exception in nonresidential districts only, and shall require the specific approval of the Board of Zoning Appeals. Such signs shall not be displayed for more than two (2) time period(s) of sixty (60) days each during any calendar year and shall comply with other requirements of this chapter.
- (e) Folding portable A-frame signs, shall be permitted as temporary signs in the CN, CG, CH and CBD Districts, provided such signs are secured and/or anchored so as to prevent accidental collapse or unintended movement.
- (f) Temporary signs proposed in the Lancaster Historic District as designated by City Council shall be subject to additional standards as applicable.
(Ord. 23-18. Passed 11-26-18.)

1317.08 PERMANENT SIGNS.

Permanent signs shall be subject to the following requirements:

- (a) Wall Signs. Wall signs may be erected on any building wall or extension of a building wall which faces a street, parking lot or service drive. Wall signs shall be attached parallel to the building face and may extend outward perpendicular from the building face a maximum of fifteen (15) inches; however, an internally illuminated wall sign may be erected not more than twenty-four (24) inches from the wall surface, provided such distance is required for enclosure of the necessary electrical components. The other requirements for wall signs shall be as cited in the Sign Matrix in Section 1317.09.

- (b) Canopy, Marquee and/or Awning Signs. Canopy and/or awning signs may be painted on an awning area or attached to a canopy or roof which projects beyond the building, provided that no part of such sign may extend above the eave of the roof. Canopy, awning or marquee signs shall be a minimum of nine (9) feet above ground level. The other requirements for canopy, marquee or awning signs shall be as cited in the Sign Matrix in Section 1317.09.
- (c) Projecting Signs. Projecting signs shall be placed not less than nine (9) feet above the sidewalk or ground level, and project not more than eight (8) feet outward from the building face. The other requirements for projecting signs shall be as cited in the Sign Matrix in Section 1317.09.
- (d) Freestanding Signs. No portion of any freestanding sign shall be erected over the street right-of-way. Not more than one (1) freestanding or ground sign shall be erected on any single lot, per one hundred feet (100') of lot frontage or fraction thereof and shall meet all other district setbacks. The other requirements for freestanding signs shall be as cited in the Sign Matrix in Section 1317.09.
- (e) Ground Signs. The requirements for ground signs shall be as cited in the Sign Matrix in Section 1317.09.
- (f) Permanent Window Signs. Permanent window signs shall be limited to signs denoting the identification of the occupant, the address of the premises, and not more than one (1) logo sign for each product or each service offered. The total of all permanent window signs shall be as cited in the Sign Matrix in Section 1317.09.
- (g) Off-Premises Signs. Off-premises signs as defined in Section 1317.02 (b)(19), not including billboards, shall be considered as an accessory use in the zoning districts as identified in the Sign Matrix. The location of such sign(s) shall be approved by the Board of Zoning Appeals. Not more than one (1) off-premises sign with a maximum sign face area as specified in the Sign Matrix is permitted on a single lot.
- (h) Billboards. Billboards as defined in Section 1317.02(b)(4), shall be considered as a permitted and accessory use in the districts as specified in the Sign Matrix. Billboards shall also be allowed within the PUD District, if included in the approved development plan, subject to the approval of the Planning Commission. The erection of billboards shall comply with all federal and state requirements, as well as the following.
 - (1) Height. Any billboard shall maintain a maximum height of forty-five feet (45') and not less than ten feet (10') above ground level of the surface directly below the sign. Notwithstanding the above, if the elevation of the roadway from which the billboard is intended to be viewed (as measured at the centerline of the roadway at the point in closest proximity to the billboard) is more than fifteen feet (15') different from the elevation of the ground level directly below the sign, then such roadway elevation shall be used for measuring the permitted height of the billboard.

- (2) Area. The maximum display area for any one face of any billboard shall not exceed four hundred (400) square feet. Billboards may be back to back, double faced, “V” type and/or multiple faced with not more than two faces facing the same direction, and such structure shall be considered as one billboard, provided that the area of all faces toward one direction shall not exceed 600 square feet. In areas not adjacent to roadways on the Federal Aid Primary Highway System, billboards shall not have more than one face per structure toward each direction.
 - (3) Spacing. A minimum distance of five hundred feet (500') shall be maintained between billboards.
 - (4) Changes/Alterations. Nothing contained in this chapter shall prohibit the changing or alteration of the display surface of any billboard using mechanical, electronic or other available technology.
- (i) General Requirements for Permanent Signs.
- (1) Illumination. Illumination for signs shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
 - (2) Construction. All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard. The construction and installation of all signs shall be subject to inspection by the City and/or State of Ohio.
 - (3) Location in Right-of-Way Prohibited. No part of any sign shall be placed in, over, or extended onto any public right-of-way, except as specified in Section 1317.08(i)(10) herein.
 - (4) Pennants and/or Streamers. No permanent sign shall contain or consist of banners, streamers, pennants, ribbons, balloons or similar devices.
 - (5) Changeable Copy Signs. Changeable copy signs, as defined in Section 1317.02(b)(6) above, shall be permitted in the districts as specified in the Sign matrix. The number, height and area of changeable copy signs shall be determined by the structural type of the sign, i.e., freestanding, wall, projecting, etc. The light and/or perceived movement from such sign shall not be of such intensity to constitute a safety hazard to vehicular traffic.
 - (6) Permanent Subdivision Identification Signs. Such signs shall be limited to wall mounted or freestanding signs only, with placement on walls, columns or similar architectural or landscaped entrance features used to denote the entrance to the subdivision. Such sign shall be not more than six (6) feet in height and shall set back at least five (5) feet from the right-of-way of both streets.

- (7) Joint Identification Signs. Joint identification signs shall be limited to wall or freestanding signs, and to premises where there are two (2) or more uses located on one (1) or more public street(s). If the property fronts on one (1) public street, only one (1) joint identification sign is permitted. If the property fronts on two (2) public streets, two (2) joint identification signs shall be permitted. Each joint identification sign shall not exceed the requirements of the zoning district in the Sign Matrix.
- (8) Murals. Murals, as defined in Section 1317.02(b)(17) herein shall be allowed as a Special Exception in the districts as specified in the Sign Matrix, subject to approval by the Board of Zoning Appeals. In addition, if such mural(s) is located within the designated Historic District, such mural(s) shall be approved by the Historic Lancaster Commission.
- (9) Maintenance and Copy Change. Signs shall be maintained in good repair. Such maintenance and repair including, changes of copy, shall be permitted provided the size and structural shape of the sign is not be changed or altered.
- (10) Signs In CBD Central Business District. Notwithstanding the provisions of Section 1317.03 (d) herein, a proposed sign within the CBD may extend into the right-of-way, provided the applicant demonstrates that, due to the location of the building or other physical characteristics of the lot, the erection of an alternate sign outside the right-of-way is not feasible. In addition, such applicant shall obtain a Right-Of-Way Permit from the City of Lancaster, and shall certify that such sign shall be subject to removal at the owner's expense, if so subsequently required by the City.
- (11) PUD District. Signs in the PUD District shall reflect the standards for similar uses in other districts. The applicant shall submit a total signage plan for the proposed non-residential portions of the development as part of the required site plan for the development.
(Ord. 23-18. Passed 11-26-18.)

1317.09 SIGN MATRIX.

The area, height and setback requirements for signs within the various districts shall be as specified in the Sign Matrix set forth at the end of this chapter, which is hereby made a part of this Chapter or as approved in a final development plan. The area requirements for particular sign types shall be based on permitted square feet per linear foot (sf/lf) of building wall or total square footage as listed.
(Ord. 23-18. Passed 11-26-18.)

1317.10 MEASUREMENT OF SIGNS.

For the purposes of this Chapter, the measurement of sign area shall comply with the following standards:

- (a) Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.

- (b) The display surface area of a ground, freestanding, projecting, off-premise directional, changeable copy, joint identification, directory, temporary or similar signs shall mean the area enclosed by the minimum imaginary rectangles which fully contains all extremities of the sign, exclusive of its supports. This rectangle is to be calculated from an orthographic projection of the sign viewed horizontally. A view point for this projection is to be taken which gives the largest rectangle of that kind as the viewpoint is rotated horizontally around the sign. If elements of the sign are movable or flexible, the measurement shall be taken when the elements are fully extended and parallel to the plane of view.
- (c) The display surface area of a wall, awning, marquee, canopy or similar sign shall be measured as the sum of the areas of the minimum imaginary rectangles enclosing each work attached to any particular façade.
- (d) The display surface area for window signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word, figure, design and symbol if the window or other transparent material forms the background, or the entire area of the background material when such material is translucent or opaque.
- (e) The display surface area for permanent subdivision or similar signs shall mean the area of the minimum imaginary rectangle enclosing the sign including the support except when the support a wall, building or other architectural feature. In those cases, the sign shall be measured as a wall sign.
- (f) Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign, unless two (2) display faces join back to back and parallel to each other. Back to back sign faces shall be located not more than twenty-four inches (24") apart. For purposes of these regulations, a V-shaped sign with an angle of separation not exceeding 30 degrees shall be considered a back-to-back sign. Billboards shall be exempt from this requirement, but shall comply with the requirements of Section 1317.08 (h)(2).
- (g) For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.
- (h) The area of the letters, numbers or emblems mounted directly on a building wall or wall extension shall be computed by enclosing the entire word or words formed by such letters, numbers or emblems with the smallest single continuous perimeter consisting of rectangular or series of rectangles, and determining the area within such perimeter.
(Ord. 23-18. Passed 11-26-18.)

1317.11 NONCONFORMING SIGNS.

(a) Abandonment. An existing sign which was lawfully existing at the time of enactment of this chapter, but does not meet the regulations and requirements of this chapter, shall be deemed a nonconforming sign. The continuance of such nonconforming sign shall terminate by abandonment when any of the following conditions exist:

- (1) When the sign is associated with an abandoned use.
- (2) When the sign remains after the termination of a business. A business is considered terminated if it has ceased operations and/or if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.

- (3) When the sign is not maintained or does not conform to the following:
 - A. All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
 - B. Every sign and the immediate surrounding premises shall be maintained by the owner, or his agent, in a clean, sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.
- (4) When the sign is damaged or partially destroyed to the extent of more than fifty percent (50%) of its current replacement cost at the time of damage.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

(b) Relocation or Replacement. A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section. Should any replacement or relocation occur without being brought into compliance, the sign shall be subject to removal.

(c) Maintenance. A nonconforming sign shall be maintained or repaired, provided the size and structural shape of the sign is not be changed or altered.

(d) Inspection and Removal. If any sign is found, upon inspection by the Zoning Inspector, to constitute a hazard to public safety, such sign shall be subject to immediate removal by order of the Zoning Inspector.

(e) Proposed Sign Encroaching on a Front Setback. Where an existing sign or signs on the same side of the street and within the same block encroach on the required front setback, the required sign setback for a new sign shall be established as follows:

- (1) If the proposed sign is to be located more than two hundred (200) feet from an encroaching sign, the proposed sign shall meet the setback established for the district in which the proposed sign is to be located.
- (2) If the proposed sign is to be located between adjacent signs which conform to the required setback, or between a conforming sign and an intersecting street, the proposed sign shall conform to the setback established for the district in which the proposed sign is to be located.
- (3) If the proposed sign is to be located within two hundred (200) feet of an encroaching sign on both sides and there are no intervening signs, the setback shall be the average of the setback of the two (2) nearest front edges or faces of the encroaching signs nearest the front property line or right-of-way.
- (4) If the proposed sign is to be located within two hundred (200) feet of an encroaching sign on one (1), but not both sides, and there are no intervening signs, the front setback shall be the average of the otherwise required front setback and the setback of the nearest front plane of the encroaching sign.
- (5) Sign cabinets or any other architectural feature may not project into the calculated setback achieved through subsections (a), (b), (c) or (d).

Provided, however, in the application of subsections (c) or (d) above, the front setback shall not be reduced to less than five (5) feet and does not create a hazard for drivers pulling out onto any street or highway.

(Ord. 23-18. Passed 11-26-18.)

1317.12 VARIANCES.

Variances to this Chapter may be granted by the Board of Zoning Appeals pursuant to the procedures and policies set forth for area variances in Chapter 1157.09 of the Codified Ordinances. (Ord. 23-18. Passed 11-26-18.)

1317.13 REGISTRATION.

No person or company shall install a sign requiring a permit unless a sign installer is registered as a contractor with the Certified Building Department. The zoning inspector or building official may decline the need to register as a contractor as set forth in section 1317.05(e) of this code. (Ord. 23-18. Passed 11-26-18.)

1317.14 REGISTRATION FEE.

A registration fee shall be required of persons or companies installing a sign that requires a permit. (Ord. 23-18. Passed 11-26-18.)

1317.15 ENFORCEMENT.

(a) Any violation of the provisions of this chapter shall be enforced by the Zoning Inspector after serving notice. The Zoning Inspector shall give to the owner or person in charge of the sign written notice specifying the violation, ordering the cessation thereof and requiring either the removal of the sign or the carrying out of remedial work in the time and in the manner that the notice shall specify. Such notice shall be posted by registered mail, return receipt requested.

(b) In the event of failure to comply after thirty days from receipt of such notice, the Zoning Inspector may remove or cause such remedial work to be done and the costs thereof shall be recoverable by the Municipality by summary process at law in any court of competent jurisdiction. In the event of default of payment of such assessed costs, then a charge shall be placed upon the property and such costs, when certified by the Treasurer, shall be entered in the Collector's Roll and collected in the same manner as taxes shown thereon.

(c) If a sign which has been removed is not reclaimed and fines paid within ninety days of its removal, such sign may be sold or otherwise disposed of by the City. If a sign is found to be an immediate and serious danger to the public because of its unsafe condition, it may be removed without notice and written notice of removal and the reasons for such shall be served as soon as possible. The Mayor shall revoke the registration of any person or company erecting a nonconforming sign. The registration shall be revoked for a period of one year from the date of such violation.

(Ord. 23-18. Passed 11-26-18.)

1317.16 MAINTENANCE AND REMOVAL OF SIGNS.

All signs and sign structures shall be maintained in a safe condition and shall not exhibit evidence of significant wear, deterioration or damage. Whenever the Chief Building Official has ordered the repair or removal of a permanent or temporary sign, due to its hazardous condition or due to the lack of an appropriate required permit, and such action has not been taken within forty-eight hours of delivery of such notice to the person or entity which owns the sign or on whose property it is displayed, the Chief Building Official may cause the repair or removal of the sign at the expense of such person or other entity. If in the opinion of the Chief Building Official, the sign is so hazardous as to constitute an immediate danger to human life, the Chief Building Official shall promptly cause the repair or removal of the sign at the expense of such person or other entity without the necessity of waiting forty-eight hours. In either case, the cost of the repair shall be assessed to the property.

(Ord. 23-18. Passed 11-26-18.)

1317.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than two hundred and fifty dollars (\$250.00).

(Ord. 23-18. Passed 11-26-18.)

		Revised Sign Matrix		
Sign Type		AG Agricultural District		
Permanent Signs	Permitted	Area	Height	Setback
Wall/Projecting	X	1sf/1lf bldg wall	Ht Eave	Bldg
Canopy				
Marquee				
Awning	X	1sf/1lf bldg wall		Bldg
Projecting	X	6 sf	Ht Eave	Bldg
Freestanding (including changeable copy portions)	X	12 sf	6 ft	20' from R/W
Ground (including changeable copy portions)	X	20 sf	6 ft	20' from R/W
Off-Premises Directional Sign	E	12 sf	6 ft	20' from R/W
Billboard	X	400 sf	45 ft	100' from R/W
Changeable Copy, Electronic				
Permanent Subdivision (total structure)	X	150 sf	6 ft	5' from R/W
Joint Identification Sign				
Murals	X	BZA	BZA	BZA
Window Signs, Permanent	X	33% of window		
*Temporary Signs				
*Sponsor Signs	X	40 sf	Ht Bldg	5' from R/W
*Window Signs, Temporary	X	33% of Window		
*Directory Signs	X	8 sf	6 ft	5 ft R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners	X	40 sf	Ht Bldg	5' from R/W
*Freestanding Changeable Copy	E	20 sf	6 ft	5' from R/W
*Folding Portable A-frame				
*Campaign Sign	X	8 SF	6 ft	Outside R/W
*Realtor/Development Signs	X	8 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	10 ft	5' from R/W
*Community Event Sign	X	40 sf	Ht Bldg	5' from R/W
*Pennants	X	40 sf	35 ft	5' from R/W
*Streamers	X		35 ft	5' from R/W
*Feather signs	X		10' high	5' from R/W
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building	sf= square feet		R/W= Right of Way	
BZA = Board of Zoning Appeals	sf/lf= square feet per lineal foot			
ft = foot	X= Use by Right			

ht = height	E= Special Exception		
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Revised Sign Matrix				
Sign Type	Parking Districts			
Permanent Signs	Permitted	Area	Height	Setback
Wall/Projecting	X	1sf/lf bldg wall	Ht Eave	Bldg
Canopy				
Marquee	X	1 sf/lf bldg wall	Ht Eave	Bldg
Awning	X	1 sf/lf bldg wall		Bldg
Projecting	X	12 sf	Ht Eave	Bldg
Freestanding including	X	20 sf	10 ft	20' from R/W
Changeable Copy Portions				
Ground including	X	20 sf	6 ft	20' from R/W
Changeable Copy Portions				
Off-Premises Directional Sign	E	12 sf	6 ft	20' from R/W
Billboard	E	400 sf	45 ft	20' from R/W
Changeable Copy	X	20 sf	10 ft	20' from R/W
Permanent Subdivision (total structure)				
Joint Identification Sign	X	20 sf	10 ft	20' R/W
Murals	E	BZA	BZA	BZA
Window Signs, Permanent	X	33% of Window		
*Temporary Signs (60 Days)				
*Sponsor Signs				
* Window Signs	X	33% of window		
*Directory Signs	X	8 sf	6 ft	20' ft from R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners	X	40 sf	Ht Bldg	5 ft from R/W
*Freestanding Changeable Copy	E	20 sf	6 ft	20' from R/W
*Folding Portable A-frame	X	8 sf	4 ft	5 ft from R/W
*Campaign Sign	X	8 sf	6 ft	Outside R/W
*Realtor/Development Signs	X	8 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	6 ft	5 ft from R/W
*Community Event Sign	X	40 sf	Ht Bldg	5 ft from R/W
*Pennants				
*Streamers				
*Feather signs				
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building			sf = square feet	R/W= Right of Way
BZA = Board of Zoning Appeals				sf/lf = Square foot per lineal foot
ft = foot			X = Use by Right	
ht = height			E = Special Exception	Revised 11/2018

Revised Sign Matrix				
CBD Central Business District				
Sign Type	Permitted	Area	Height	Setback
Permanent Signs				
Wall/Projecting	X	1 sf/lf bldg wall	Ht Eave	Bldg
Canopy				
Marquee				
Awning	X	1 sf/lf bldge wall		Bldg
Projecting	E	24 sf	Ht Eave	Bldg
Freestanding (including changeable copy portions)	X	50 sf	15ft	20' from R/W
Ground (including changeable copy portions)	X	20 sf	6 ft	20' from R/W
Off-Premises Directional Sign	E	12 sf	6 ft	20' from R/W
Billboard				
Changeable Copy, Electronic	E	20 sf	15 ft	20' from R/W
Permanent Subdivision (total structure)	E	150 sf	6 ft	5' from R/W
Joint Identification Sign	X	20 sf	15 ft	20' from R/W
Murals	E	BZA	BZA	BZA
Window Signs, Permanent	X	33% Window		
*Temporary Signs (60 days)				
*Sponsor Signs	X	40 sf	Ht Bldg	5' from R/W
*Window Signs, Temporary	X	33% Window		
*Directory Signs	X	8 sf	6 ft	Outside R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners	X	40 sf	Ht Bldg	5' from R/W
*Freestanding Changeable Copy	E	20 sf	6 ft	5' from R/W
*Folding Portable A-frame	X	8 sf	4 ft	5' from R/W
*Campaign Sign	X	8 sf	6 ft	Outside R/W
*Realtor/Development Signs	X	8 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	6 ft	5' from R/W
*Community Event Sign	X	40 sf	Ht Bldg	5' from R/W
*Pennants	X	40 sf	35 ft	5' from R/W
*Streamers				
*Feather signs				
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building			sf = square feet	R/W= Right of Way
BZA = Board of Zoning Appeals				sf/lf = Square foot per lineal foot
ft = foot			X = Use by Right	
ht = height			E = Special Exception	Revised 11/2018

Revised Sign Matrix				
CG Commercial General District				
Sign Type	Permitted	Area	Height	Setback
Permanent Signs				
Wall/Projecting	X	2 sf/lf bldg wall	Ht Eave	Bldg
Canopy	X	2 sf/lf bldg wall	35 ft	20' from R/W
Marquee	X	2 sf/lf bldg wall	Ht Eave	20' from R/W
Awning	X	1 sf/lf bldg wall		Bldg
Projecting	X	24 sf	Ht Eave	Bldg
Freestanding (including changeable copy portions)	X	100 sf	35 ft	20' from R/W
Ground (including changeable copy portions)	X	20 sf	6 ft	10' from R/W
Off-Premises Directional Sign	E	12sf	6 ft	10' from R/W
Billboard	X	400 sf	45 ft	20' from R/W
Changeable Copy, Electronic	E	20 sf	35 ft	20' from R/W
Permanent Subdivision (total structure)	E	150 sf	6 ft	5' from R/W
Joint Identification Sign	X	20 sf	35 ft	10' from R/W
Murals	E	BZA	BZA	BZA
Window Signs, Permanent	X	33% Window		
*Temporary Signs				
*Sponsor Signs	X	40 sf	Ht Bldg	5' from R/W
*Window Signs, Temporary	X	33% of Window		
*Directory Signs	X	8 sf	6 ft	5' from R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners	X	40 sf	Ht Eave	5' from R/W
*Freestanding Changeable Copy	E	20 sf	6 ft	5' from R/W
*Folding Portable A-frame	X	8 sf	4 ft	5' from R/W
*Campaign Sign	X	8 sf	6 ft	Outside R/W
*Realtor/Development Signs	X	8 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	6 ft	5' from R/W
*Community Event Sign	X	40 sf	Ht Bldg	5' from R/W
*Pennants	X	40 sf	35 ft	5' from R/W
*Streamers				
*Feather Signs	X		10' high	5' from R/W
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building			sf = square feet	R/W= Right of Way
BZA = Board of Zoning Appeals				sf/lf = Square foot per lineal foot
ft = foot			X = Use by Right	
ht = height			E = Special Exception	Revised 11/2018

Revised Sign Matrix				
Sign Type	CH Commercial High Intensity District			
Permanent Signs	Permitted	Area	Height	Setback
Wall/Projecting	X	2 sf/lf bldg wall	Ht eave	Bldg
Canopy	X	2sf/lf canopy	35 ft	20' from R/W
Marquee	X	2 sf/lf bldg wall	Ht eave	20' from R/W
Awning	X	2 sf/lf bldg wall		Bldg
Projecting	X	24 sf	Ht eEave	Bldg
Freestanding (including changeable copy portions)	X	100 sf	35 ft	20' from R/W
Ground (including changeable copy portions)	X	20 sf	6 ft	20' from R/W
Off-Premises Directional Sign	X	12 sf	6 ft	20' R/W
Billboard	X	400 sf	45 ft	20' from R/W
Changeable Copy, electronic	E	20 sf	35 ft	20' from R/W
Permanent Subdivision (total structure)	E	150 sf	6 ft	5' from R/W
Joint Identification Sign	X	20 sf	35 ft	20' from R/W
Murals	E	BZA	BZA	BZA
Window Signs, Permanent	X	33% of Window		
*Temporary Signs (60 days)				
*Sponsor Signs	X	40 sf	Ht Bldg	5' from R/W
*Window Signs, Temporary	X	33% of Window		
*Directory Signs	X	8 sf	6 ft	5' from R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners	X	40 sf	Ht Bldg	5' from R/W
*Freestanding Changeable Copy	E	20 sf	6 ft	5' from R/W
*Folding Portable A-frame	X	8 sf	4 ft	5' from R/W
*Campaign Sign	X	8 sf	6 ft	Outside R/W
*Realtor/Development Signs	X	8 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	6 ft	5' from R/W
*Community Event Sign	X	40 sf	Ht Bldg	5' from R/W
*Pennants	X	40 sf	35 ft	5' from R/W
*Streamers				
*Feather signs	X		10' high	5' from R/W
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building			sf = square feet	R/W= Right of Way
BZA = Board of Zoning Appeals				sf/lf = Square foot per lineal foot
ft = foot			X = Use by Right	
ht = height			E = Special Exception	Revised 11/2018

Revised Sign Matrix				
CN Commercial Neighborhood District				
Sign Type	Permitted	Area	Height	Setback
Permanent Signs				
Wall/Projecting	X	1 sf/lf bldg wall	Ht Eave	Bldg
Canopy				
Marquee				
Awning	X	1sf/lf bldg wall		Bldg
Projecting	X	12 sf	Ht Eave	Bldg
Freestanding (including changeable copy portions)	X	50 sf	15 ft	20' from R/W
Ground (including changeable copy portions)	X	20 sf	6 ft	10' from R/W
Off-Premises Directional Sign	E	12 sf	6 ft	20' from R/W
Billboard				
Changeable Copy	E	20 sf	10 ft	20' from R/W
Permanent Subdivision (total structure)	X	150 sf	6 ft	5' from R/W
Joint Identification Sign	X	20 sf	10 ft	20' from R/W
Murals	E	BZA	BZA	BZA
Window Signs, Permanent	X	33% of Window		
*Temporary Signs				
*Sponsor Signs	X	40 sf	Ht Bldg	5' from R/W
*Window Signs, Temporary	X	33% of Window		
*Directory Signs	X	8 sf	6 ft	5' from R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners				
*Freestanding Changeable Copy	E	20 sf	6 ft	5' from R/W
*Folding Portable A-frame	X	8 sf	4 ft	5 ft from R/W
*Campaign Sign	X	8 sf	6 ft	Outside R/W
*Realtor/Development Signs	X	8 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	6 ft	5' from R/W
*Community Event Sign	X	40 sf	Ht Bldg	5' from R/W
*Pennants				
*Streamers				
Feather signs	X		10' high	5' from R/W
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building			sf = square feet	R/W= Right of Way
BZA = Board of Zoning Appeals				sf/lf = Square foot per lineal foot
ft = foot			X = Use by Right	
ht = height			E = Special Exception	Revised 11/2018

		Revised Sign Matrix		
Sign Type		I Industrial Districts (All)		
Permanent Signs	Permitted	Area	Height	Setback
Wall/Projecting	X	2 sf/lf bldg wall	Ht Eave	Bldg
Canopy	X	1 sf/lf canopy	35 ft	20' from R/W
Marquee	X	2 sf/lf bldg wall	Ht Eave	20' from R/W
Awning	X	1 sf/lf bldg wall		Bldg
Projecting	X	24 sf	Ht Eave	Bldg
Freestanding (including changeable copy portions)	X	150 sf	35 ft	20' from R/W
Ground (including changeable copy portions)	X	100 sf	6 ft	20' from R/W
Off-Premises Directional Sign	X	12 sf	6 ft	20' from R/W
Billboard	X	400 sf	45 ft	20' from R/W
Changeable Copy, Electronic	E	20 sf	35 ft	20' from R/W
Permanent Subdivision (total structure)	E	150 sf	6 ft	5' from R/W
Joint Identification Sign	X	20 sf	35 ft	20' from R/W
Murals	E	BZA	BZA	BZA
Window Signs, Permanent	X	33% Window		
*Temporary Signs				
*Sponsor Signs	X	40 sf	Ht Bldg	5' from R/W
*Window Signs, Temporary				
*Directory Signs	X	8 sf	6 ft	Outside R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners	X	40 sf	Ht Bldg	5' from R/W
*Freestanding Changeable Copy	X	20 sf	6 ft	5' from R/W
*Folding Portable A-frame				
*Campaign Sign	X	8 sf	6 ft	Outside R/W
*Realtor/Development Signs	X	8 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	6 ft	5' from R/w
*Community Event Sign	X	40 sf	Ht Bldg	5' from R/W
*Pennants				
*Streamers				
Feather signs				
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building		sf = square feet		R/W= Right of Way
BZA = Board of Zoning Appeals		sf/lf = Square foot per lineal foot		
ft = foot		X = Use by Right		
ht = height		E = Special Exception		Revised 11/2018

Revised Sign Matrix				
O & SR Office and Scientific Research Districts				
Sign Type	Permitted	Area	Height	Setback
Permanent Signs				
Wall/Projecting	X	1 sf/lf bldg wall	Ht Eave	Bldg
Canopy				
Marquee	X	1 sf/lf bldg wall	Ht Eave	20' from R/W
Awning	X	1 sf/lf bldg wall		Bldg
Projecting	X	12 sf	Ht Eave	Bldg
Freestanding including	X	50 sf	15 ft	20' from R/W
Changeable Copy Portions				
Ground including	X	20 sf	6 ft	20' from R/W
Changeable Copy Portions				
Off-Premises Directional Sign	E	12 sf	6 ft	20' from R/W
Billboard				
Changeable Copy	X	20 sf	35 ft	20' from R/W
Permanent Subdivision	X	150 sf	6 ft	5 ft from R/W
(total structure)				
Joint Identification Sign	X	50 sf	15 sf	20' from R/W
Murals	E	BZA	BZA	BZA
Window Signs, Permanent				
*Temporary Signs (60 Days)				
*Sponsor Signs	X	40 sf	Ht Bldg	5' from R/W
*Window Signs				
*Directory Signs	X	8 sf	6 ft	5' from R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners	X	40 sf	Ht Bldg	5' from R/W
*Freestanding Changeable Copy	E	20 sf	6 ft	5' from R/W
*Folding Portable A-frame				
*Campaign Sign	X	8 sf	6 ft	Outside R/W
*Realtor/Development Signs	X	16 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	6ft	5' from R/W
*Community Event Sign	X	40 sf	Ht Bldg	5' from R/W
*Pennants				
*Streamers				
*Feather signs				
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building			sf = square feet	R/W= Right of Way
BZA = Board of Zoning Appeals				sf/lf = Square foot per lineal foot
ft = foot			X = Use by Right	
ht = height			E = Special Exception	Revised 11/2018

Revised Sign Matrix				
Sign Type		RE Residential Estates		
<u>Permanent Signs</u>	Permitted	Area	Height	Setback
Wall/Projecting	E	1sf/1lf bldg wall	Ht Eave	Bldg
Canopy				
Marquee				
Awning	X	1sf/1lf bldg wall		Bldg
Projecting				
Freestanding (including changeable copy portions)	X	12 sf	6 ft	10' from R/W
Ground (including changeable copy portions)	E	20 sf	6 ft	10' from R/W
Off-Premises Directional Sign	E	12 sf	6 ft	10' from R/W
Billboard	E	400 sf	35 ft	20' from R/W
Changeable Copy, Electronic				
Permanent Subdivision (total structure)	X	150 sf	6 ft	5' from R/W
Joint Identification Sign				
Murals				
Window Signs, Permanent	X	33% of Window		
*Temporary Signs				
*Sponsor Signs	X	40 sf	Ht Bldg	5ft from R/W
*Window Signs, Temporary	X	33% of Window		
*Directory Signs	X	8 sf	6 ft	5' R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners	X	40 sf	Ht Bldg	5' from R/W
*Freestanding Changeable Copy	E	20 sf	6 ft	5' from R/W
*Folding Portable A-frame				
*Campaign Sign	X	8 SF	6 ft	Outside R/W
*Realtor/Development Signs	X	8 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	6 ft	5' from R/W
*Community Event Sign	X	40 sf	Ht Bldg	5' from R/W
*Pennants			?	
*Streamers				
*Feather signs				
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building		sf = square feet		R/W= Right of Way
BZA = Board of Zoning Appeals		sf/lf = Square foot per lineal foot		
ft = foot		X = Use by Right		Revised 11/2018
ht = height		E = Special Exception		

Revised Sign Matrix				
RM All Multi-Family Residential; & RMH				
Sign Type	Permitted	Area	Height	Setback
<u>Permanent Signs</u>				
Wall/Projecting	X	1sf/lf bldg wall	Ht Eave	Bldg
Canopy				
Marquee				
Awning	X	1sf/lf bldg wall		Bldg
Projecting	X	6 sf	Ht Eave	Bldg
Freestanding including	X	12 sf	6 ft	10' from R/W
Changeable Copy Portions				
Ground including	X	20 sf	6 ft	10' from R/W
Changeable Copy Portions				
Off-Premises Directional Sign	E	12 sf	6 ft	10' from R/W
Billboard				
Changeable Copy				
Permanent Subdivision	X	150 sf	6 ft	5' from R/W
(total structure)				
Joint Identification Sign	X	20 sf	6 ft	10' from R/W
Murals	E	BZA	BZA	BZA
Window Signs, Permanent	X	33%		
*Temporary Signs (60 days)				
*Sponsor Signs	X	40 sf	Ht Bldg	5ft from R/W
*Window Signs, Temporary				
*Directory Signs	X	8 sf	6 ft	5' from R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners	X	40 sf	Ht Bldg	5' from R/W
*Freestanding Changeable Copy	X	20 sf	6 ft	5' from R/W
*Folding Portable A-frame				
*Campaign Sign	X	8 sf	6 ft	Outside R/W
*Realtor/Development Signs	X	8 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	6 ft	5' from R/W
*Community Event Sign	X	40 sf	Ht Bldg	5' from R/W
*Pennants				
*Streamers				
*Feather signs				
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building			sf = square feet	R/W= Right of Way
BZA = Board of Zoning Appeals				sf/lf = Square foot per lineal foot
ft = foot			X = Use by Right	
ht = height			E = Special Exception	Revised 11/2018

Revised Sign Matrix				
RS All Single-Family Residential Districts				
Sign Type	Permitted	Area	Height	Setback
Permanent Signs				
Wall/Projecting	X	1 sf/lf bldg wall	Ht Eave	Bldg
Canopy				
Marquee				
Awning	E	1sf/lf bldg wall		Bldg
Projecting				
Freestanding (including changeable copy portions)	X	12 sf	6 ft	20' from R/W
Ground (including changeable copy portions)	X	20 sf	6 ft	20'from R/W
Off-Premises Directional Sign	E	12 sf	6 ft	20' from R/W
Billboard				
Changeable Copy, Electronic				
Permanent Subdivision (total structure)	X	150 sf	6 ft	5' from R/W
Joint Identification Sign				
Window Signs, Permanent				
Murals				
*Temporary Signs				
*Sponsor Signs	X	40 sf	Ht Bldg	5' from R/W
*Window Signs, Temporary				
*Directory Signs	X	8 sf	6 ft	5' from R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners	X	40 sf	Ht Bldg	5' from R/W
*Freestanding Changeable Copy				
*Folding Portable A-frame				
*Campaign Sign	X	8 sf	6 ft	Outside R/W
*Realtor/Development Signs	X	8 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	6 ft	5' from R/W
*Community Event Sign	X	40 sf	Ht Bldg	5' from R/W
*Pennants				
*Streamers				
*Feather signs				
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building			sf = square feet	R/W= Right of Way
BZA = Board of Zoning Appeals				sf/lf = Square foot per lineal foot
ft = foot			X = Use by Right	
ht = height			E = Special Exception	Revised 11/2018

Sign Type	East Main St. Corridor- Commercial Districts Only			
<u>Permanent Signs</u>	Permitted	Area	Height	Setback
Wall/Projecting	X	2 sf/lf bldg wall	Ht Eave	Bldg
Canopy	X	2 sf/lf bldg wall	35 ft	10' from R/W
Marquee	X	2 sf/lf bldg wall	Ht Eave	10' from R/W
Awning	X	1 sf/lf bldg wall		Bldg
Projecting	X	24 sf	Ht Eave	Bldg
Freestanding including	X	100 sf	35 ft	10' from R/W
Changeable Copy Portions				
Ground including	X	20 sf	6 ft	10' from R/W
Changeable Copy Portions				
Off-Premises Directional Sign	E	12 sf	6 ft	10' from R/W
Billboard	X	400 sf	45 ft	20' from R/W
Changeable Copy, Electronic	E	20 sf	35 ft	10' from R/W
Permanent Subdivision	E	150 sf	6 ft	5' from R/W
(total structure)				
Joint Identification Sign	X	20 sf	35 ft	10' from R/W
Murals	E	BZA	BZA	BZA
Window Signs, Permanent	X	33% Window		
*Temporary Signs				
*Sponsor Signs	X	40 sf	Ht Bldg	5' from R/W
*Window Signs, Temporary	X	33% Window		
*Directory Signs	X	8sf	6 ft	5' from R/W
*CC/Hours/Open Signs	X	8 sf	6 ft	Outside R/W
*Banners	X	40 sf	Ht Eave	5' from R/W
*Freestanding Changeable Copy	E	20 sf	6 ft	5' from R/W
*Folding Portable A-frame	X	8 sf	4 ft	5' from R/W
*Campaign Sign	X	8 sf	6 ft	Outside R/W
*Realtor/Development Signs	X	8 sf	6 ft	Outside R/W
Personal Property For Sale	X	8 sf	6 ft	Outside R/W
*Construction Signs	X	32 sf	6 ft	5' from R/W
*Community Event Sign	X	40 sf	Ht Bldg	5' from R/W
*Pennants	X	40 sf	35 ft	5' from R/W
*Streamers				
*Feather signs	X		10' high	5' from R/W
*These sign types shall not require a permit, provided specific standards pursuant to Section 1317.06 and 1317.07 of this chapter are met.				
Bldg. = Building		sf = square feet		
BZA = Board of Zoning Appeals		sf/lf = Square foot per lineal foot		
ft = foot		X = Use by Right		
ht = height		E = Special Exception		
R/W = Right of Way				Revised 11/2018

CHAPTER 1318
Fencing

1318.01 Electronic fences.

CROSS REFERENCES
Barb wire fences - see GEN. OFF. 521.05

1318.01 ELECTRONIC FENCES.

Electric fences are permitted in the City of Lancaster only if they meet all of the following requirements:

- (a) The parcel where the fence is located must be zoned industrial and not contiguous to Residentially zoned property.
- (b) The fence is commercially installed and monitored.
- (c) An outer fence of eight feet must extend around the entire electric fence to the exterior of the property provided an exterior boundary to the public which is not electrified.
- (d) The electric fence shall be less than twelve feet.
- (e) Signage is required every ten feet which indicates in English, Spanish, and by symbol that the fence is electric. These signs must be maintained in good condition.
- (f) Owner must apply for an electric fence permit annually by January 30th of each year. This permit will have an annual fee and inspection. The permit shall also require that the owner of the property sign a release of liability to the City as to any damage that may be caused by the City's forced entry onto the property to maintain the health, safety and welfare of occupants, owners, and the public. The permit fee shall be established by executive order of the Mayor. The permit shall also require the owner to provide access information to the property for safety forces.
- (g) The fence must comply with all Ohio Revised Code Sections and Lancaster Codified Ordinance Sections.
- (h) Enforcement of this section shall be through Chapter 1303.
(Ord. 3-10. Passed 1-25-10.)

CHAPTER 1323
Gas Piping and Appliances (Repealed)

(EDITOR'S NOTE: Former Chapter 1323 was repealed by Ordinance 25-05, passed May 23, 2005.)

CROSS REFERENCES

Adoption of technical codes - see Ohio R. C. 731.231
Unvented gas heater - see GEN. OFF. 517.02
Gas rates - see S.U. & P.S. Ch. 917

CHAPTER 1327
Historic Preservation/Design Review

<p>1327.01 Purposes. 1327.02 Definitions. 1327.03 Establishment of design review districts, listed properties and designated landmarks. 1327.04 Establishment of Historic Lancaster Commission. 1327.05 Powers and duties of Historic Lancaster Commission. 1327.06 Organization of Historic Lancaster Commission. 1327.07 Guidelines required. 1327.08 Certificate of appropriateness required. 1327.09 Procedure for certificate of appropriateness. 1327.10 Criteria for evaluation of application for certificate of appropriateness. 1327.11 Issuance of certificate of appropriateness.</p>	<p>1327.12 Procedures following denial of certificate of appropriateness. 1327.13 Criteria to determine substantial economic hardship. 1327.14 Criteria to determine unusual and compelling circumstances. 1327.15 Demolition. 1327.16 Maintenance. 1327.17 Failure to maintain. 1327.18 Right to appeal. 1327.19 Severability. 1327.20 Civil remedies. 1327.21 Stop work order. 1327.22 Enforcement. 1327.23 Design guidelines. 1327.24 Certificate of Appropriateness expiration and extension. 1327.99 Criminal violation.</p>
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CROSS REFERENCES
Commission rules - see ADM. Ch. 143

1327.01 PURPOSES.

The City of Lancaster contains areas with unique and valuable historic, architectural and/or cultural resources. The preservation of these resources is directly linked to the cultural, social and economic well-being of the community. The purposes of this Chapter are:

- (a) To protect and preserve these resources and prevent intrusions and alterations within designated Districts or Listed Properties which would be incompatible with their established character, and
- (b) To encourage infill development and property improvement that respects the context of the existing built environment and reduces conflicts between new construction and existing development, and
- (c) To stabilize and enhance property values and economic value of identified resources, and

- (d) To promote economically viable reuse of historic buildings, structures, sites and objects within Lancaster's historic core, and
- (e) To promote and enhance revitalization of downtown Lancaster.

The standards of this Chapter are requirements which must be met in addition to the established requirements and standards of the specific zoning district or other lawfully adopted regulations.

(Ord. 19-17. Passed 5-8-17.)

1327.02 DEFINITIONS.

As used in this Chapter, the following words shall be defined as follows:

- (a) "Alteration" means any action to change, modify, reconstruct, remove or demolish any exterior feature of an existing building, structure, site or object within any District or Listed Property. For the purpose of this item, ordinary maintenance to correct any deterioration, decay or damage to a structure or premises and to restore the structure as nearly as practicable, is excluded from the definition of "alteration", provided such work does not involve a change in material, design, texture or exterior appearance, per section 1327.16.
- (b) "Architectural Change" means the exterior construction, alteration, demolition or removal of any building, structure, site or object subject to the provisions of this Chapter, but shall not include the installation, maintenance or removal of plant material.
- (c) "Architectural Character" means the style, design, and general arrangement of the exterior of a building, structure site or object, including the type of lighting fixtures, signs and other appurtenant fixtures. In the case of an outdoor advertising sign, "exterior features" means the style, material, size and location of the sign.
- (d) "Applicant" means any person, persons, association, organization, partnership, unit of government, public body, corporation or other entity, or a representative of one of the above, who applies for a Certificate of Appropriateness in order to undertake an architectural change within the District or Listed Property.
- (e) "Commission" means the "Historic Lancaster Commission." This body shall serve as the Design Review Board for the City of Lancaster as established by this chapter.
- (f) "Building" means a resource created principally to shelter any form of human activity, such as a house. The term "building" shall be construed as if followed by the words "or part thereof."
- (g) "Certificate of Appropriateness" means a certificate authorizing any architectural change within any designated District or Listed Property.
- (h) "City" means the City of Lancaster. Ohio
- (i) "Contributing property" means a building, structure, site or object that, as determined by the Commission, adds to the historic or architectural value of a designated District or Listed Property because it was present during the period of historic significance and/or it preserves such historic integrity that it yields important information about such District or Listed Property.
- (j) "Demolition" means the razing or removing of all or a substantial portion of a building, structure, or appurtenance from a Listed Property or District.
- (jj) "Designated Landmark" means any improvement to real property that has historic significance and has been designated according to the provisions of this Chapter.

- (k) "District" means a designated Design Review District.
- (l) "Guidelines" means the document that is adopted by the Historic Lancaster Commission and City Council that details the architectural characteristics for any Design Review District or Listed Property therein, and that provides design guidance for appropriate maintenance, repair, construction or alteration pursuant to the provisions of this Chapter. Also commonly known as "design guidelines."
- (ll) "Historic significance" means the attributes of a designated landmark or historic district that possess integrity of design, location, setting, materials, workmanship and association and that are associated with events that have made a significant contribution to the broad patterns of the City's history, or that are associated with the lives of persons significant in the City's past, or that embody the distinctive characteristics of a type, period or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction, or that have yielded or are likely to yield information important in prehistory or history. Cemeteries, birthplaces or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty years, shall not be considered to be of historic significance, unless they are integral parts of the districts that meet the above criteria or if they fall within the following categories:
 - (1) A religious property which is primarily significant for its architecture or secular history;
 - (2) A relocated building which has a high degree of architectural significance or which is the primary structure associated with an individual or an event;
 - (3) The birthplace or gravesite of an historical figure, if no other built feature survives which is directly associated with his or her productive life;
 - (4) A cemetery primarily important because of its age, distinctive design features or association with the graves or persons of transcendent importance, or which is associated with historic events;
 - (5) A reconstructed building when accurately represented in suitable environment as part of a restoration master plan and when no other building with the same associated has survived;
 - (6) The property primarily commemorative in intent if design, age, tradition or symbolic value have given it significance; or
 - (7) A property achieving significance within the past fifty years if it is of exceptional importance or is unique to the City.
- (m) "Listed Property" means a building, structure, site or object designated according to the provisions of this Chapter.
- (n) "Noncontributing property" means a building structure, site or object within a designated District or Listed Property that, in the determination of the Commission, does not meet the criteria cited in 1327.02 (i) above.
- (o) "Object" means a construction primarily artistic in nature or relatively small in scale, such as a monument, work of art, or milepost.
- (p) "Ordinary maintenance or repair" means any maintenance or repair to any existing building, site, structure or object that is for the limited purpose of correcting decay, deterioration or damage to an architectural feature and that does not involve a change in material, design, texture or exterior appearance, per Section 1327.16.

- (q) "Preserve" or "preservation" means the process (including maintenance) of treating an existing building, structure, site or object to arrest or slow future deterioration, stabilize it and provide structural safety, without changing or adversely affecting its character or appearance, as determined by the Commission.
- (r) "Site" means any significant historical, archaeological, or architectural property without a principal structure such as the location of a prehistoric or historic activity, or a significant event. A site may also include a property of significant landscape design. This definition of "site" shall not be construed to limit the term "site plan" or "site improvement."
- (s) "Structure" means a functional construction made for purposes other than creating shelter. It may include a work of engineering affixed to the land, the hardscape portion of landscaping, or any combination of materials to form a construction that is safe and stable, including, but not limited to stadia, tents, reviewing stands, platforms, staging, observation towers, radio towers and graphics. The term "structure" shall be construed as if followed by the words "or part thereof." The term "structure" does not include plants, trees, shrubs or others plantings that may be a part of landscaping.
- (t) "Owner" shall mean the owner of record, and the term shall include the plural as well as the singular. (Ord. 19-17. Passed 5-8-17.)

1327.03 ESTABLISHMENT OF DESIGN REVIEW DISTRICTS, LISTED PROPERTIES AND DESIGNATED LANDMARKS.

Except as otherwise indicated in this Chapter, all property located in the following designated Design Review District or any individually Listed Property shall be subject to the design review criteria and standards of this Chapter and additional guidelines as may be applicable in each District.

- (a) The following Design Review District is hereby established:
The Historic Lancaster District:
"Beginning at the intersection of Pearl Avenue and Walnut Street; go north the entire length of Pearl Street on the east to the alley between Mulberry Street and King Street; thence west to High Street; thence north to the alley between King Street and Fifth Avenue; thence west along such alley, and continuing west along the alley between Union Street and Fifth Avenue to Memorial Drive; thence south to Chestnut Street; thence east on Chestnut Street to Columbus Street; thence south on Columbus Street to Walnut Street; thence east to Pearl Street, the point of beginning."
- (b) Additional Design Review Districts may be established or existing Districts may be modified by City Council under separate Ordinance. The designation or modification of such Districts shall be made by the Council after obtaining a recommendation from the Commission, and holding a public hearing. Prior to that hearing, notification shall be given by first-class mail to all property owners within the proposed District as appearing on the current Fairfield County tax rolls. City Council may expand any Design Review District upon receipt of a petition by any adjacent property owner requesting inclusion in such District, and recommendation for same by the Commission. Such expansion by petition of the affected property owners may occur without the public hearing as referenced above.

- (c) Individual properties outside of the boundaries of established Design Review Districts may also be designated as Listed Properties. The procedure for listing individual properties is as follows:
 - (1) The Commission shall notify the owner of any proposal to list the property and receive consent back from owner in writing. Upon receipt of such consent, the property shall be listed upon favorable recommendation by the Commission and upon approval by Council after a public hearing.
- (d) Individual properties outside of the boundaries of established Design Review Districts may also be designated as a Designated Landmark. The process for designating individual properties is as follows:
 - (1) The Commission shall notify the owner of any proposal to designate the property and receive consent back from the owner in writing. Upon receipt of such consent, the property shall be designated upon favorable recommendation by the Commission.
- (e) Criteria for Designation. In considering the designation of any building, structure, site or object as a District, Listed Property or Designated Landmark, the Commission and Council shall apply the following criteria, in addition to any other available information:
 - (1) Its character, interest or value as part of the heritage of the City, the State of Ohio or the United States.
 - (2) Its location as a site of a significant historic event.
 - (3) Its identification with a person or persons who contributed significantly to the historic development of the City.
 - (4) Its exemplification of the heritage of the City.
 - (5) Its portrayal of the environment or a group of people in an era of history characterized by a distinctive architectural style or building type.
 - (6) Its embodiment of a distinguishing historical characteristic of an architectural type or style.
 - (7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City or State.
 - (8) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.
 - (9) Its unique location or physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City.
 - (10) Such other individual characteristics as shall be relevant to its designation as a District, Listed Property or Designated Landmark.
(Ord. 19-17. Passed 5-8-17.)

1327.04 ESTABLISHMENT OF HISTORIC LANCASTER COMMISSION.

There is hereby established the Historic Lancaster Commission in accordance with this Chapter.

- (a) The Historic Lancaster Commission shall consist of the required number of members as appointed by the Mayor with the approval of City Council, pursuant to the requirements of Sections 1327.04 (d) below. Members shall serve without compensation. The Mayor shall have the authority to appoint alternate members to the Commission, as may be determined appropriate.
- (b) Appointed members shall be subject to removal for cause by the Mayor. Vacancies for the remainder of an unexpired term shall be filled by the Mayor, within sixty (60) days from the date of vacancy. All members shall be residents of the City.

- (c) All members shall be appointed to three (3) year terms, and the initial term appointments provided for in this ordinance shall be staggered according to the following schedule:
- (1) Two (2) members shall each be appointed to serve for an initial full term of three (3) years.
 - (2) The third and fourth members shall each be appointed for a term of two (2) years.
 - (3) The fifth member shall each be appointed for a term on one (1) year.
- All terms shall begin on January 1 of the applicable year.
- (d) Membership.
- (1) The Commission shall consist of five (5) voting members. The members shall be appointed by the Mayor with City Council approval. Three (3) members shall constitute a quorum, and a concurring majority vote by members present shall be necessary for official action.
 - (2) In appointing members, the Mayor shall make good faith effort to appoint persons with training in the fields of architecture, design, historic preservation, planning or related disciplines such as construction, commercial or mixed use development, or real estate. In addition, appointees should possess a demonstrated personal and/or professional interest, experience and knowledge in the preservation of historic structures.
 - (3) The Mayor shall solicit a list of potential nominees for membership on the Commission from organizations such as the Fairfield Heritage Association, Lancaster Special Improvement District, and Main Street Lancaster. Such list shall document the qualifications of potential nominees and shall be updated/revised on an annual basis. The Mayor shall review and consider such recommendations in appointing new members to the Commission.
(Ord. 41-17. Passed 12-11-17.)

1327.05 POWERS AND DUTIES OF HISTORIC LANCASTER COMMISSION.

The Historic Lancaster Commission established in Section 1327.04 above is hereby vested with the following powers and authority.

- (a) Hear, evaluate and take action on applications for Certificates of Appropriateness, as authorized by Section 1327.08 of this Chapter.
- (b) Maintain a record of the historic, architectural and cultural resources within the City, including designated Districts, Listed Properties and Designated Landmarks. The Commission shall also maintain a list of contributing and noncontributing properties in designated Districts and Listed Properties.
- (c) Recommend to City Council the designation of Listed Properties, Designated Landmarks, and Districts or modifications to existing Districts.
- (d) Propose and recommend to City Council the establishment of design guidelines for Districts, Listed Properties and Designated Landmarks along with amendments as may be subsequently needed. Guidelines shall be adopted by both the Council and the Commission.
- (e) Make recommendations to City Council regarding potential resources and/or actions which have or may have significant impacts on historic, architectural and/or cultural resources within the City.

- (f) Act upon application for a Certificate of Appropriateness as provided in City Council Resolution 25-05 for tax exemption, within the respective District.
- (g) Provide that a designated city official, who is responsible for managing the applications that are presented to the Commission, may administratively approve certain application requests, but only if those application requests are specifically identified by the Commission in its guidelines or by resolution of the Commission. A Certificate of Appropriateness shall be issued to the applicant upon such administrative approval. This designated city official or the applicant shall have the option of referring any application to the Commission for its full consideration.
(Ord. 19-17. Passed 5-8-17.)

1327.06 ORGANIZATION OF HISTORIC LANCASTER COMMISSION.

(a) The Historic Lancaster Commission shall establish its own procedural rules and/or guidelines. The Commission shall set a regular meeting time to conduct business as may be required, provided that the Commission shall meet not less than once every calendar quarter. Meeting times, dates and locations shall be posted pursuant to Codified Ordinance 109.02(f) not less than one (1) week in advance. Notice of meeting times, dates and locations shall be sent at least one (1) week in advance of the meeting by first class mail to any owner whose real property is a matter before such Commission.

(b) The Historic Lancaster Commission shall select a Chairman, Vice-Chairman, and Secretary. The Chairman shall conduct the meetings of the Commission, determine order of such meetings, and be generally responsible for the recording of such meetings. The Vice-Chairman shall perform the duties of the Chairman in event of the Chairman's absence. The Secretary shall be responsible for maintaining adequate minutes and records of Commission proceedings, as well as other administrative duties. The position of Secretary may be delegated to a non-voting non-member, if such arrangement is approved by the Commission.
(Ord. 19-17. Passed 5-8-17.)

1327.07 GUIDELINES REQUIRED.

The Commission shall prepare or amend guidelines for Districts and Listed Properties consistent with the standards of this Chapter. The Commission shall give notice to the public of the proposed or amended guidelines, shall seek comment on the proposed guidelines at a public hearing, and may consider such public comments in the final preparation of the guidelines. Final guidelines shall be adopted by the Commission and City Council.
(Ord. 19-17. Passed 5-8-17.)

1327.08 CERTIFICATE OF APPROPRIATENESS REQUIRED.

No architectural change as defined shall be made to any building, structure, site or object within any District or Listed Property until a Certificate of Appropriateness has been properly applied for and issued by the Commission. No zoning permit, building permit, sign permit, or Zoning Clearance Permit shall be issued by the Building Department for any construction, reconstruction, alteration or demolition of any building, structure, site or object now or hereafter in any District or Listed Property subject to the process as specified in this Chapter, unless a Certificate of Appropriateness has been authorized by the Commission.

For the purposes of this Ordinance, a Certificate of Appropriateness shall not be required for the following activities:

- (a) Maintenance and/or repair activities pursuant to Section 1327.16 below.
- (b) Interior work on any building or structure.
- (c) Installation of private radio or television reception antennae, however the physical size and configuration of said objects as well as the location and placement of said objects on a structure or site shall be subject to review and approval.
- (d) General maintenance and/or planting of organic material.
- (e) Temporary work required for emergency stabilization of a building, structure, site or object due to damage from natural events or an act of God.
(Ord. 19-17. Passed 5-8-17.)

1327.09 PROCEDURE FOR CERTIFICATE OF APPROPRIATENESS.

(a) The application for a Certificate of Appropriateness shall be made on such forms as prescribed by the Commission, along with such plans, drawings, specifications and other materials as may be needed by the Commission to make a determination. At a minimum, such information shall include the following:

- (1) A site or sketch plan showing building outlines, dimensions and landscaping.
- (2) Photographs of the building, site, structure or object as appropriate.
- (3) A complete description of the proposed architectural change, including drawings or photographs to illustrate the proposal as may be needed.
- (4) An explanation by the applicant as to how the proposed activity is consistent with the purposes and guidelines of this Chapter.

(b) Applications for a Certificate of Appropriateness shall be filed with the Secretary of the Building Department at least ten (10) days prior to the meeting of the Historic Lancaster Commission.

(c) The Commission shall determine whether the proposed architectural change will be appropriate to the preservation of the historic, environmental, or architectural character of the District or Listed Property, pursuant to the criteria specified in Section 1327.10. In making such determination, the Commission shall consider whether the proposed architectural change impacts a contributing or noncontributing property.

(d) In determining the appropriateness of a specific architectural change, the Commission may conduct a separate public meeting on the project and/or solicit input from consultants to the City.

(e) If no action is taken by the Commission within ninety (90) days from the date of submittal of the application, the Certificate of Appropriateness shall be issued as a matter of law. The tabling of an application due to incomplete information provided by the applicant or at the request of the applicant shall not be considered as "no action" for the purposes of this Section.

(f) The Certificate of Appropriateness may include conditions limiting the scope of the certificate. A violation of these conditions shall be a violation of this Section.
(Ord. 19-17. Passed 5-8-17.)

**1327.10 CRITERIA FOR EVALUATION OF APPLICATION FOR
CERTIFICATE OF APPROPRIATENESS.**

In considering the appropriateness of any proposed architectural change, the Commission shall consider:

- (a) Its adopted guidelines, and
- (b) The Secretary of the Interior's Standards (Department of Interior regulations, 36 CFR 67) that pertain to historic properties of all materials, construction types, sizes, and occupancy. The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic property and its site, while allowing for reasonable change to meet new needs. The Standards also encompass related landscape features and the property's site and environment as well as attached, adjacent, or related new construction. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.
 - (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

- (c) Additional Design Criteria. In addition to the criteria of 1327.10 (a) and (b) above, the Commission shall consider the following:
- (1) The consistency of the proposed work with Section 1327.10 (a) and (b), above, and its adopted design guidelines;
 - (2) The degree to which the proposed work would alter or destroy all or part of a contributing property in a District or Listed Property;
 - (3) The degree to which the proposed work would isolate a contributing property in a District or a Listed Property from its surroundings, or introduce visual elements that are inconsistent with the character of the property and its setting, or would adversely impact the physical integrity of the District or Listed Property; and
 - (4) The degree to which the proposed work is compatible with the significant characteristics of the District or Listed Property.
- (Ord. 19-17. Passed 5-8-17.)

1327.11 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS.

After a public hearing on the application pursuant to the provisions of Section 1327.09, the Commission shall issue a Certificate of Appropriateness to the applicant if one of the following conditions is found to exist:

- (a) The architectural change is determined to be appropriate after a consideration of all provisions of this section and the adopted guidelines of the Commission; or
- (b) An unusual and compelling circumstance as defined in Section 1327.14 has been found to exist and such Certificate of Appropriateness may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purpose of this Chapter.
- (c) Failure to issue the Certificate of Appropriateness will result in a substantial economic hardship to the applicant as defined in Section 1327.13, and such Certificate of Appropriateness may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purpose of this Chapter. (Ord. 19-17. Passed 5-8-17.)

1327.12 PROCEDURES FOLLOWING DENIAL OF CERTIFICATE OF APPROPRIATENESS.

(a) If the Commission determines that a proposed architectural change is inappropriate, the Commission may deny a Certificate of Appropriateness. Within ten (10) days after its decision, the Commission shall issue a written decision setting forth the reasons for denial and send a copy of such decision to the applicant.

(b) Within ten (10) days after receipt of the denial, the applicant may apply for a rehearing, apply for mediation or appeal the decision to the Board of Zoning Appeals in accordance with the provisions of this Chapter.

- (1) Rehearing. A rehearing on the application shall only be held to consider any unusual and compelling circumstances and/or substantial economic hardship that was unaddressed in the original application or hearing. Within forty-five (45) days of the Commission's receipt of a request for a rehearing, it shall hold a public hearing at which to reconsider the applicant's evidence in response to its decision. Clear and convincing evidence shall be required for the Commission to find unusual and compelling circumstances and/or substantial economic hardship. New proposals or changes to the application shall not be subject to rehearing, but shall be presented in the form of a new application.

- (2) Mediation. Mediation may occur by mutual agreement between an applicant and the Commission in an attempt to find a mutual resolution to the applicant's denial. Mediation shall only be held pursuant to the voluntary agreement of both the applicant and the Commission. Within fourteen (14) days after receipt of a request for mediation, a mediator shall be appointed by the joint agreement of the applicant and the Commission. Costs for the mediator, if any, shall be divided equally and paid by the applicant and the City. Mediation towards resolution may occur during the next forty-five (45) days after selection of the mediator. As a part of mediation, the Commission and the applicant shall attempt in good faith to develop an alternative plan for approval that is appropriate under the applicable standards and criteria set forth in this Chapter. New information may be considered and application revisions can be made by the applicant. If the matter is mutually resolved in the mediation to satisfaction of both parties, a Certificate of Appropriateness containing the terms of the agreement shall be issued at the next regularly scheduled Commission meeting. If the matter is not successfully resolved, then the applicant may request a rehearing under the standards of Section 1327.12(b)(1) or may appeal to the Board of Zoning Appeals.
- (3) Appeal. All appeals of the Commission's denial of an application for a Certificate of Appropriateness for a proposed architectural change within a District or Listed Property shall state with particularity the grounds for the appeal. Grounds shall include:
- A. The Commission's denial of the application for a Certificate of Appropriateness was arbitrary, capricious and unreasonable.
 - B. The Commission improperly denied the application for a Certificate of Appropriateness on the basis of applicant's claim of unusual and compelling circumstances.
 - C. The Commission improperly denied the application for a Certificate of Appropriateness on the basis of applicant's claim of substantial economic hardship.
- (Ord. 19-17. Passed 5-8-17.)

1327.13 CRITERIA TO DETERMINE SUBSTANTIAL ECONOMIC HARDSHIP.

The following criteria shall be used by the Commission to determine whether the denial of a Certificate of Appropriateness creates a substantial economic hardship on the property owner:

- (a) Denial of a certificate will result in a substantial reduction in the economic value of the property;
 - (b) Denial of a certificate will result in a substantial economic burden on the property owner because the property owner cannot reasonably maintain the property in its current form;
 - (c) No reasonable alternative exists consistent with the architectural standards and guidelines for the property;
 - (d) The property owner has been unable to sell the property.
- (Ord. 19-17. Passed 5-8-17.)

1327.14 CRITERIA TO DETERMINE UNUSUAL AND COMPELLING CIRCUMSTANCES.

The following criteria shall be used by the Commission to determine whether the issuance of a Certificate of Appropriateness is justified by the existence of unusual and compelling circumstances:

- (a) The property has little or no historical or architectural significance.
- (b) The property cannot be reasonably maintained in a manner consistent with the pertinent architectural standards and guidelines.
- (c) No reasonable means of saving the property from deterioration, demolition or collapse other than applicant's proposal exists.
- (d) If the property owner is a nonprofit organization, it is determined by the Commission that it is financially or physically infeasible for the nonprofit organization to be able to achieve its charitable purposes while conforming to the pertinent architectural standards and guidelines.
(Ord. 19-17. Passed 5-8-17.)

1327.15 DEMOLITION.

No person shall demolish any building, structure, site or object or part thereof in a District or Listed Property until the person has received a Certificate of Appropriateness from the Commission. The application should be accompanied by a written statement containing the reasons the applicant is seeking to demolish the building, structure, site or object, along with a statement that such building, structure, site, or object or part thereof is not historically or architecturally significant or otherwise worthy of preservation. If the applicant is seeking to demolish an entire building, structure or major portion thereof, the applicant shall also submit definite plans for reuse of the site, evidence of commitment of funding for the proposal, a project timetable for both initiation and completion, as well as an evaluation of how the character and integrity of the District or Listed Property will be affected by such demolition.

In cases where an applicant applies for a Certificate of Appropriateness to demolish a building, structure, site or object or part thereof within a District or Listed Property, the Commission may issue a Certificate of Appropriateness when the applicant has submitted adequate documentation that at least one of the following conditions exist:

- (a) The building, structure, site or object or part thereof is noncontributing and/or contains no features of architectural and historic significance to the character of the District or Listed Property
- (b) There exists no reasonable economic use for the building, structure, site or object or part thereof as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.
- (c) Deterioration has progressed to the point where it is not economically feasible to restore the building, structure, site or object or part thereof.

The Commission shall be guided in its decision by balancing the historic, architectural, and cultural value of the building, structure, site or object or part thereof against the applicant's proof of any substantial economic hardship or unusual or compelling circumstances in retaining the building, structure, site or object or part thereof along with a full review and consideration of the proposed replacement project. (Ord. 19-17. Passed 5-8-17.)

1327.16 MAINTENANCE.

Nothing in this Chapter shall be construed to prevent ordinary maintenance or repair of any property within a District or any Listed Property, provided such work involves no change in material, design, texture, or exterior appearance; nor shall anything in this Chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which by order of the Building Department, Fire Department, or Code Enforcement is required for the public safety because of an unsafe, insecure or dangerous condition. Such orders of code officials do not require a Certificate of Appropriateness but shall be considered temporary repairs. The property owner must seek a Certificate of Appropriateness within 30 days after emergency repairs are made pursuant to said orders for approval of permanent repairs. Permanent repairs shall be completed pursuant to the requirements of the Certificate of Appropriateness including the time period for completion of permanent repairs. (Ord. 19-17. Passed 5-8-17.)

1327.17 FAILURE TO MAINTAIN.

(a) No owner of a building, structure, site or object in a District or Listed Property shall fail to provide sufficient and reasonable care, maintenance and upkeep appropriate to ensure such property's perpetuation and to prevent its destruction by deterioration. This provision shall be in addition to all other applicable code provisions. By resolution the Commission shall present evidence of a violation hereof to the City Attorney who shall initiate appropriate action thereon.

(b) Orders of a code official to secure windows or doors by boarding them up due to an emergency or neglect shall be considered a temporary repair requiring the Property Owner to apply for a Certificate of Appropriateness for the permanent repair as described in Section 1327.16. (Ord. 19-17. Passed 5-8-17.)

1327.18 RIGHT TO APPEAL.

Any applicant aggrieved by any decision of the Commission may appeal the decision to the Board of Zoning Appeals. Such appeal shall be taken by the filing of a written statement, setting forth the grounds for the appeal, with the Building Department within thirty (30) days of the decision of the Commission. The Board of Zoning Appeals may affirm, reverse, remand, or modify such decision and shall state the reasons therefore. (Ord. 19-17. Passed 5-8-17.)

1327.19 SEVERABILITY.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect the other provisions or applications of the provision or related provisions which can be given effect without the invalid provision or application, and to this end are severable. (Ord. 19-17. Passed 5-8-17.)

1327.20 CIVIL REMEDIES.

In the event any architectural change or failure to maintain occurs that is contrary to and in violation of any of the provisions of this Chapter, then, in addition to and not in lieu of other action as may be provided in this Chapter, the Mayor, his/her agent, or other proper authority of the City, may institute injunction, mandamus or other legal proceedings as may be necessary to abate such violation and/or to cause the correction of such illegal action.

The City Attorney may additionally request that the court impose the following civil penalties.

- (a) Whoever constructs, reconstructs or alters any building, structure, site or object now or hereafter in a District or Listed Property in violation of this Chapter shall pay a civil penalty of not less than five hundred dollars (\$500.00) nor more than twenty-five thousand dollars (\$25,000.00).
- (b) Whoever demolishes or removes a substantial part or all of any building, structure, site or object now or hereafter in a District or Listed Property in violation of this Chapter shall pay a civil penalty of not less than ten thousand dollars (\$10,000.00) nor more than twenty-five thousand dollars (\$25,000.00).
- (c) Notwithstanding the civil penalty provision of this section, whoever causes, by willful action or willful neglect, any alteration of or demolition or failure to maintain of any property now or hereafter in a District or Listed Property in violation of this Chapter shall be required to restore or reconstruct same in accordance with the pertinent guidelines and standards, as approved by the Commission. (Ord. 19-17. Passed 5-8-17.)

1327.21 STOP WORK ORDER.

A Stop Work Order may be issued by the City Code Enforcement Official upon determination that a violation of this Chapter has occurred. Failure to cease work immediately shall be a violation of this section by the contractor and/or owner of property pursuant to civil and criminal penalties of Sections 1327.20 and 1327.99. (Ord. 19-17. Passed 5-8-17.)

1327.22 ENFORCEMENT.

Notice of Violation - a Notice of Violation may be issued pursuant to Lancaster Codified Ordinance 1303.12 or the City may directly file a criminal or civil violation. (Ord. 19-17. Passed 5-8-17.)

1327.23 DESIGN GUIDELINES.

The Design Guidelines attached as Exhibit 1 to Ordinance 45-08 are hereby adopted in their entirety. (Ord. 19-17. Passed 5-8-17.)

1327.24 CERTIFICATE OF APPROPRIATENESS EXPIRATION AND EXTENSION.

(a) The approval of a Certificate of Appropriateness is invalid if construction, erection, alteration or other work upon a building or structure has not commenced within twelve months of the issuance.

(b) One extension shall be granted for an additional twelve-month period if requested by the owner at least ten days in advance of the expiration of the approval and upon payment of an extension fee.

(c) If in the course of construction work is delayed or suspended for more than six months, the approval of the Certificate of Appropriateness is invalid. Two extensions shall be granted for six months each if requested by the owner at least ten days in advance of the expiration of the approval and upon payment of a fee for each extension. (Ord. 19-17. Passed 5-8-17.)

1327.99 CRIMINAL VIOLATION.

Whoever violates any provision of this Chapter shall be guilty of a third degree misdemeanor. When a partnership or a corporation violates any of the provisions of this Chapter, the members of the partnership responsible for such violation and/or the managing officers of the corporation responsible for such violation, or who directs same to be done, shall be punished in the same manner as the punishment described for herein. Each and every day that the violation of this Chapter continues shall constitute a separate and distinct violation.
(Ord. 19-17. Passed 5-8-17.)

CHAPTER 1331
Flood Damage Reduction

1331.01	Statutory authorization.	1331.10	Interpretation.
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CROSS REFERENCES

Flood control bonds; public capital improvements - see Ohio Const., Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq.
 County Commission flood control aid to governmental units - see Ohio R.C. 307.77
 Basis of zoning districts - see Ohio R.C. 713.10
 Levees - see Ohio R.C. 717.01
 Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06
 Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09
 Marking flood areas - see Ohio R.C. 1521.14
 Ohio Water Commission - see Ohio R.C. 1525.01 et seq.
 Conservancy districts, purpose - see Ohio R.C. 6101.04

1331.01 STATUTORY AUTHORIZATION.

Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, Council does ordain as follows:
 (Ord. 17-11. Passed 11-14-11.)

1331.02 FINDINGS OF FACT.

The City has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted. (Ord. 17-11. Passed 11-14-11.)

1331.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (f) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (h) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (i) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (j) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (k) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (l) Meet community participation requirements of the National Flood Insurance Program. (Ord. 17-11. Passed 11-14-11.)

1331.04 METHODS OF REDUCING FLOOD LOSS.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 17-11. Passed 11-14-11.)

1331.05 DEFINITIONS.

(a) Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter the most reasonable application.

- (1) "Accessory Structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (2) "Appeal" means a request for review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.
- (3) "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.
- (4) "Base (100-Year) Flood Elevation (BFE)" means the water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (5) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (6) "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (7) "Enclosure Below the Lowest Floor" See "Lowest Floor."
- (8) "Executive Order 11988 (Floodplain Management)" means the order issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (9) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (10) "Fill" means a deposit of earth material placed by artificial means.
- (11) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - A. The overflow of inland or tidal waters, and/or
 - B. The unusual and rapid accumulation or runoff of surface waters from any source.
- (12) "Flood Hazard Boundary Map (FHBM)" means usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (13) "Flood Insurance Rate Map (FIRM)" means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazards.
- (14) "Flood Insurance Risk Zones" means zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - A. Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

- B. Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
 - C. Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - D. Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 - E. Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
 - F. Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
 - G. Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.
- (15) "Flood Insurance Study (FIS)" means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (16) "Flood Protection Elevation, (FPE)" means the base flood elevation. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.
- (17) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.
The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (18) "Freeboard" means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (19) "Historic Structure" means any structure that is:
- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - C. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
 - D. Individually listed on the inventory of historic places maintained by the City of Lancaster's historic preservation program which program is certified by the Ohio Historic Preservation Office.
- (20) "Hydrologic and hydraulic engineering analysis" means an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (21) "Letter of Map Change (LOMC)" means a Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:
- A. Letter of Map Amendment (LOMA)
A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
 - B. Letter of Map Revision (LOMR)
A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - C. Conditional Letter of Map Revision (CLOMR)
A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (22) "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in this ordinance for enclosures below the lowest floor.
- (23) "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Ohio R.C. Chapter 3733.

- (24) "Manufactured Home Park" means as specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.
- (25) "National Flood Insurance Program (NFIP)" means the Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- (26) "New Construction" means structures for which the "start of construction" commenced on or after the initial effective date of the City's Flood Insurance Rate Map, Initial Map Effective May 1, 1980, and includes any subsequent improvements to such structures.
- (27) "Person" means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.
- (28) "Recreational Vehicle" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (29) "Registered Professional Architect" means a person registered to engage in the practice of architecture under the provisions of Ohio R.C. 4703.01 to 4703.19.
- (30) "Registered Professional Engineer" means a person registered as a professional engineer under Ohio R.C. Chapter 4733.
- (31) "Registered Professional Surveyor" means a person registered as a professional surveyor under Ohio R.C. Chapter 4733.

- (32) "Special Flood Hazard Area" also known as "Areas of Special Flood Hazard", means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special Flood Hazard Areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
- (33) "Start of Construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (34) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (35) "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (36) "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include
- A. Any improvement to a structure that is considered "new construction,"
 - B. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - C. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

- (37) "Variance" means a grant of relief from the standards of this chapter consistent with the variance conditions herein.
- (38) "Violation" means the failure of a structure or other development to be fully compliant with these regulations.
(Ord. 17-11. Passed 11-14-11.)

1331.06 LANDS TO WHICH THIS CHAPTER APPLY.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Lancaster, Ohio as identified in Section 1331.07, including any additional areas of special flood hazard annexed by the City of Lancaster, Ohio.
(Ord. 17-11. Passed 11-14-11.)

1331.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

For the purposes of these regulations, the following studies and/or maps are adopted:

- (a) Flood Insurance Study Fairfield County, Ohio and Incorporated Areas effective July 19, 2018 and the accompanying Flood Insurance Rate Map Fairfield County, Ohio and Incorporated Areas Effective January 6, 2012 and July 19, 2018.
- (b) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (c) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Lancaster as required by Section 1331.15(a)(4) Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Certified Building Department, 121 E. Chestnut Street, Suite 102, Lancaster OH 43130.
(Ord. 7-18. Passed 6-11-18.)

1331.08 RESERVED.

1331.09 ABROGATION AND GREATER RESTRICTIONS.

This Chapter is not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations. (Ord. 17-11. Passed 11-14-11.)

1331.10 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and,
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter may be in conflict with a State or Federal law, such State or Federal law shall take precedence over the Chapter.
(Ord. 17-11. Passed 11-14-11.)

1331.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas shall be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.
(Ord. 17-11. Passed 11-14-11.)

1331.12 SEVERABILITY.

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
(Ord. 17-11. Passed 11-14-11.)

1331.13 ADMINISTRATION.

(a) Designation of the Floodplain Administrator. The Chief Building Official is hereby appointed to administer and implement this chapter and is referred to herein as the Floodplain Administrator.

(b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.
- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(Ord. 17-11. Passed 11-14-11.)

1331.14 DEVELOPMENT PERMIT.

(a) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1331.07, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(b) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - A. Floodproofing certification for non-residential floodproofed structure as required in Section 1331.15(b)
 - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1331.15(b) are designed to automatically equalize hydrostatic flood forces.
 - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1331.15(g)
 - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1331.15(g)(2).
 - E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1331.15(g)(1)
 - F. Generation of base flood elevation(s) for subdivision and large-scale developments as required Section 1331.15(a)(4).

(c) Fees. An application fee in accordance with the schedule of fees adopted by the City of Lancaster shall be charged for each development permit issued which shall be remitted to the City Treasurer and paid into the General Fund. This fee shall be in addition to any other permit fee required by City Ordinance for the proposed development.
(Ord. 17-11. Passed 11-14-11.)

The following fees shall be paid to the Treasurer of the City of Lancaster upon application for the approval of any development permit.

Application

Application Fee \$35.00 per application

Minor Development Permits outside of the floodway that involve no structures or fill requiring elevation reviews

Development Permit No charge

Major Development Permits

Structures or Fill in the Flood Fringe \$35.00

All work in the Floodway \$35.00

Review of Hydraulic and Hydrological Study \$35.00

(Ord. 8-12. Passed 8-27-12.)

(d) Review and Approval of a Floodplain Development Permit Application.

(1) Review.

A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1331.14(b) has been received by the Floodplain Administrator.

B. The Floodplain Administrator shall review all floodplain development permits applications to assure that all necessary permits have been received from those Federal, State or Local Governmental Agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(e) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(f) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:

(1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate

completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

- (2) For all development activities subject to the standards of Section 1331.14(i), a Letter of Map Revision.

(g) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1331.16 of this Chapter

(h) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for:

- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than five thousand dollars (\$5,000).
- (2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- (3) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- (4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- (5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management. Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(i) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Lancaster, Ohio flood maps, studies and other data identified in Section 1331.07 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- (1) Requirement to Submit New Technical Data.

A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1331.15(a)(4).

- B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1331.14(i)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
1. Proposed floodway encroachments that increase the base flood elevation; and
 2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1331.14(i)(1).
- (2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Lancaster, and may be submitted at any time.
- (3) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Lancaster have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Lancaster's Flood Insurance Rate Map accurately represent the City of Lancaster boundaries, include within such notification a copy of a map of the City of Lancaster suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Lancaster has assumed or relinquished floodplain management regulatory authority.
- (j) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
- (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
 - (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
 - (3) When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:

- A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.
- (4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1331.16.
- (5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.
- (k) Substantial Damage Determinations.
- (1) Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:
- A. Determine whether damaged structures are located in special flood hazard areas;
 - B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
 - C. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.
- (2) Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.
(Ord. 17-11. Passed 11-14-11.)

1331.15 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1331.07 or 1331.14(d):

(a) Use Regulations.

(1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Lancaster are allowed provided they meet the provisions of these regulations.

(2) Prohibited Uses.

A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.

B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

(3) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters; and

C. On-site waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivisions and Large Developments.

A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

E. The applicant shall meet the requirement to submit technical data to FEMA in Section 1331.14(i)(1) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1331.15(c)(4).

(b) Residential Structures.

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring 1331.15(b)(1) and construction materials resistant to flood damage 1331.15(b)(2) are satisfied.

- (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
 - (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
 - (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - A. Be used only for the parking of vehicles, building access, or storage; and
 - B. Be designed and certified by a Registered Professional Engineer or Architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1331.15(b).
 - (8) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- (c) Nonresidential Structures.
- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1331.15(b)(1)-(3) and (5)-(8).
 - (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

- A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a Registered Professional Engineer or Architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1331.15(c)(1) and (2).
- (3) In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- (d) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 576 sq ft. Such structures must meet the following standards:
- (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood resistant materials;
 - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 - (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 - (6) They shall meet the opening requirements of Section 1331.15(c)(3).
- (e) Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:
- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
 - (2) They must be fully licensed and ready for highway use, or
 - (3) They must meet all standards of Section 1331.15(b).
- (f) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (g) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
- (1) Development in Floodways.
 - A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a Registered Professional Engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1. Meet the requirements to submit technical data in Section 1331.14(i);
 - 2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 5. Concurrence of the Mayor of the City of Lancaster and the Chief Executive Officer of any other communities impacted by the proposed actions.
- (2) Development in Riverine Areas with Base Flood Elevations but No Floodways.
- A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 2. Section 1331.15(g)(1)B., items 1. and 3.- 5.
- (3) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a Registered Professional Engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
 - B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

- C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Lancaster specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
- D. The applicant shall meet the requirements to submit technical data in Section 1331.14(i)(1)A.3., when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.
(Ord. 17-11. Passed 11-14-11.)

1331.16 APPEALS AND VARIANCES.

(a) Appeals Board Established. The Board of Zoning Appeals established under Chapter 1157 is appointed as the Appeals Board.

(b) Powers and Duties.

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of this chapter.
- (2) Authorize variances in accordance with Section 1331.16(d).
- (3) Records of the Appeals Board shall be kept and filed at the Certified Building Department, 121 E. Chestnut Street Suite 102, Lancaster OH 43130.

(c) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 21 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance.

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.

- B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
 - C. All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the City of Lancaster
- (2) Notice for Public Hearing. The Appeals Board shall schedule and hold a public hearing in accordance with Section 1157.07.
- (3) Public Hearing. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:
- A. The danger that materials may be swept onto other lands to the injury of others.
 - B. The danger to life and property due to flooding or erosion damage.
 - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - D. The importance of the services provided by the proposed facility to the community.
 - E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
 - F. The necessity to the facility of a waterfront location, where applicable.
 - G. The compatibility of the proposed use with existing and anticipated development.
 - H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) Variances shall only be issued upon:
- A. A showing of good and sufficient cause.
 - B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

- C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- D. A determination that the structure or other development is protected by methods to minimize flood damages.
- E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(5) Other Conditions for Variances.

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1331.16(d)(3)A. to K. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (5) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Fairfield County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code. (Ord. 17-11. Passed 11-14-11.)

1331.17 ENFORCEMENT.

(a) Compliance Required.

- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1331.14.
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1331.99.
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1331.99.

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected. (Ord. 17-11. Passed 11-14-11.)

1331.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a third degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements, shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Lancaster and the State of Ohio. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Lancaster shall prosecute any violation of this chapter these regulations in accordance with the penalties stated herein. (Ord. 17-11. Passed 11-14-11.)

**CHAPTER 1335
Wellhead Protection Plan**

<p>1335.01 Application. 1335.02 Purpose. 1335.03 Definitions. 1335.04 Creation of Wellhead Protection Zone 1 (WHPZ1) and Wellhead Protection Zone 2 (WHPZ2). 1335.05 Land use within Zone 1 (WHPZ1).</p>	<p>1335.06 Land use within Wellhead Protection Zone 2 (WHPZ2). 1335.07 Enforcement of the Wellhead Protection Plan. 1335.08 Record keeping. 1335.09 Notice of violation. 1335.10 Inspections. 1335.99 Penalty.</p>
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1335.01 APPLICATION.

The ordinances set forth in this plan, duly made and adapted in accordance with the provisions set forth by the Ohio Environmental Protection Agency, by their accordance with the Amendment to the Safe Drinking Water Act of 1986, shall apply to any present and/or future wells and wellfields which comprise the source of the public water supply for the City of Lancaster. (Ord. 61-97. Passed 10-13-97.)

1335.02 PURPOSE.

The purpose of this chapter is to safeguard the health, safety, and general welfare of the residents of the City of Lancaster, and all those who receive, or will receive, the benefits of the municipal water system by establishing a Wellhead Protection Plan which includes standards for land use within designated wellhead protection zones. (Ord. 61-97. Passed 10-13-97.)

1335.03 DEFINITIONS.

As used in this chapter:

- (a) "Above storage tank" means any tank, pipe or other vessel, used singularly or in combination, at least ninety percent (90%) of which is above the surface of the ground and used for materials holding, storage or containment.
- (b) "Aquifer" means a consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store or transmit water to wells or springs.
- (c) "Bulk storage" means the holding or containment of dry, semi-dry or liquid materials in large quantities, either packaged or loose, usually dispensed in smaller quantities for sale, use or consumption. Large quantities is defined as "quantities greater than those associated with normal household use". Normal household use is the amount of regulated substance a prudent person would have available in their home (or office) for performing routine cleaning, insect control, or use at a place of residence.
- (d) "City" means the municipal corporation of the City of Lancaster, Fairfield County, Ohio.

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- (e) "Contaminant" means any substance which, if introduced into ground water, would degrade the quality of said water.

- (f) “Five year time-of-travel zone” means the area around the public water supply wellfield delineated by the five year time-of-travel contour.
- (g) “Ground water” means any water below the surface of the earth in a zone of saturation.
- (h) “Hazardous wastes” means wastes that are listed specifically as hazardous and/or exhibits one or more characteristics of hazardous wastes as defined by OAC 3745-51.
- (i) “One year time-of-travel zone” means the area around the public water supply wellfields delineated by the one year time-of-travel contour.
- (j) “Potable water” means water which is satisfactory for drinking, culinary and domestic purposes.
- (k) “Time-of-travel contour” means a series of points when connected together form a boundary from which water takes an equal amount of time to reach a given destination such as a well or wellfield.
- (l) “UST” means one or any combination of tanks, including underground pipes connected thereto, that are used to contain an accumulation of regulated substances, the volume of which, including the volume of underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground, as defined in OAC 1301:7-9-02.
- (m) “Well” means any excavation, regardless of design or method of construction, used for the purpose of removing ground water from an aquifer, or for the purpose of determining the quality, quantity or level of ground water on a continuing basis.
- (n) “Wellfield” means track of land that contains a number of wells for supplying water.
- (o) “Wellhead Protection Zones Map” means an official map adopted by the City, and delineated to indicate the area(s) of the City which lie inside the wellhead protection zones.
- (p) “Ground water professional” means any person certified by the American Institute of Professional Geologists to conduct hydrogeologic studies.
- (q) “Nonconforming facility or use” means any facility or land use which, if new, would not be allowed under the provisions of Ordinance 40-94, passed November 28, 1994, or this chapter. It includes structures and land uses which became located within WHPZ1 and WHPZ2 because of a change in the zone boundaries or by the adoption of this chapter.
- (r) “Wellhead Protection Zone 1 (WHPZ1)” means at a minimum, the area within the one year time-of-travel contour. The boundary can be changed to add areas outside the one year time-of-travel contour to ease its definition (i.e. use of street boundaries).
- (s) “Wellhead Protection Zone 2 (WHPZ2)” means at a minimum, the area within or inside the five year time-of-travel contour, and outside the one year time-of-travel contour. The boundary can be changed to add area outside the five year time-of-travel contour to ease its definition (i.e. use of street boundaries).
- (t) “Regulated substances” shall include but not be limited to the following:
 - (1) Every substance, material or waste found listed in 40CFR Part 261 or 40CFR Part 302;
 - (2) All materials which exhibit the characteristics of hazardous waste (ignitability, corrosivity, reactivity and toxicity) as identified in 40CFR Part 261;

- (3) Petroleum products, including fuels and waste oils; and
- (4) Any solid or semi-solid material which, if left to stand or if exposed to water will leach out or wholly or partially dissolve forming hazardous materials as defined in subsections (1), (2) or (3).
(Ord. 61-97. Passed 10-13-97.)

1335.04 CREATION OF WELLHEAD PROTECTION ZONE 1 (WHPZ1) AND WELLHEAD PROTECTION ZONE 2 (WHPZ2).

(a) Zone WHPZ1 is the area within the one year time-of-travel contour as depicted on the Wellhead Protection Zone Map.

(b) Zone WHPZ2 is the area within the five year time-of-travel contour, and outside the one year time-of-travel contour as depicted on the Wellhead Protection Zone Map.

- (1) Changes will occur with the increase or decrease of pumping at the water plant. The Wellhead Protection Zone Map will be updated when the total pumpage from the wellfield has increased by fifteen percent (15%) or every two years (whichever comes first) by the Water Department using the MODFLOW ground water model provided to the City during the development of the Wellhead Protection Plan.
(Ord. 61-97. Passed 10-13-97.)

1335.05 LAND USE WITHIN ZONE 1 (WHPZ1).

Zone WHPZ1 contains the City Wellfield, and in order to protect the wellfield, contains the most restrictive land use practices.

(a) Prohibited Uses. The following uses are prohibited in the Wellhead Protection Zone 1.

- (1) Disposal of solid waste.
- (2) Disposal of hazardous waste.
- (3) Storage of road salt or other deicing chemicals and the dumping of snow containing deicing chemicals.
- (4) Animal feed lots.
- (5) The outside storage of herbicides, pesticides, fertilizers or fungicides.
- (6) Dry cleaning and commercial laundry establishments.
- (7) Industrial uses which discharge processed waters onsite.
- (8) Chemical and bacteriological laboratories.
- (9) Metal polishing, finishing and plating establishments which includes auto body repair establishments.
- (10) Commercial wood finishing, preserving, painting and furniture stripping establishments. (Ord. 61-97. Passed 10-13-97.)
- (11) Commercial printing establishments.
(Ord. 10-03. Passed 4-14-03.)
- (12) Motor vehicle service and repair shops, junkyards, motor vehicle junkyards, motor vehicle salvage operations, car washes as well as any similar use which might potentially effect ground water quality. Motor vehicle service and repair establishments include auto body repair and painting, quick lube stations, any establishment which performs mechanical repairs such as transmission, drive train, engine, brakes, or mufflers. These restrictions also apply to commercial/industrial equipment, earth moving equipment, tractors, motorcycles, and airplanes.
- (13) Trucking and bus terminals.
- (14) Machine shops or foundries.
- (15) Leather tanning and finishing.

- (16) Electrical component manufacturing or assembly.
- (17) New installation of underground storage tanks of liquid petroleum and/or chemical products of any kind.
- (18) Storage of liquid petroleum products of any kind in excess of fifteen gallons except for storage in a free standing container within a building, or fuel for heating of that building. (Fuel tanks of parked vehicles are not included in this section.)
- (19) Storage of petroleum, and/or any other regulated substances in underground storage tanks.
- (20) Any other use which involves, as principal activity, the manufacture, storage, use, transportation or disposal of toxic or hazardous material.

(b) Exceptions and Guidelines for WHPZ1. Any business, facility or structure within WHPZ1 which is established prior to the date in which Ordinance 40-94 was established (11-28-94) shall be identified in this chapter as a nonconforming facility. Nonconforming facilities are allowed to conduct business, but are to be regulated by the City, and follow these guidelines.

- (1) All nonconforming facilities must register with the Lancaster Division of Water.
- (2) The registration shall be submitted by the owner or operator of the facility on forms provided by the Division of Water or Environmental Specialist on a bi-annual (every two years) basis, or when the ownership of the facility changes, if the ownership change occurs within the two year reporting period, and shall contain at a minimum, the following information:
 - A. Name of the facility;
 - B. Street and mailing address of facility;
 - C. The designated individual to contact at the facility;
 - D. A complete list of all chemicals, pesticides, fuels and other regulated substances as defined in Section 1335.03 to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect such materials from vandalism, corrosion and leakage, and to provide for control of spills;
 - E. A complete list of potential toxic or hazardous wastes to be generated, indicating storage and disposal methods; and
 - F. For underground storage of regulated substances, the BUSTR identification number will be provided.
- (3) Monitoring wells shall be established for all industrial and commercial facilities utilizing or storing hazardous or toxic materials; the number, construction and location of the wells shall be determined by the City Water Department and/or Environmental Specialist. Once constructed, the wells shall be analyzed for volatile organic compounds (VOC's) semi-volatile organic compounds (SVOC's) and metals to determine background levels for the location. After initial testing, wells will be analyzed for VOC's and any other compounds detected in the background analysis which may pose a threat to the wellfield. The Environmental Specialist shall determine the sampling schedule for each site on an individual basis.
- (4) When a nonconforming facility closes for a period of time greater than six months, it will lose its nonconforming zoning exception. No new or similar nonconforming facility may open at the site.

- (5) If a nonconforming facility or business wishes to upgrade and/or expand its operation, it may be granted a variance by the Division of Water and/or Environmental Specialist if said facility or business can demonstrate an overall reduction of risk to the aquifer and/or wellfield, through a pollution prevention program instituted by the facility.
 - (6) All facilities with USTs:
 - A. Shall have upgraded USTs by December 22, 1998 in accordance with the Bureau of Underground Storage Tank Registration, OAC 1301:7-9-06;
 - B. Shall have monitoring systems installed by December 22, 1998 in accordance with the Bureau of Underground Storage Tank Registration, OAC 1301:7-9-07; and
 - C. Are still governed by the C-3 zone laws.
 - (7) All facilities which through the generation, transportation, disposal or storage of hazardous substances file reports to the EPA under the guidelines of the Resources Conservation and Recovery Act must also present the City Water Department with a copy of the report.
- (c) Land Uses Allowed in WHPZ1.
- (1) All ordinary and customary uses associated with maintenance and upkeep of buildings and grounds.
 - (2) Necessary public utilities and/or facilities designed so as to prevent contamination of ground water;
 - (3) Agricultural uses: pasture, light grazing, hay making, gardening, nursery and any activities designed for conservation of soil, water, plants and wild life;
 - (4) Industrial or commercial uses which do not handle hazardous or toxic wastes or substances; and
 - (5) Residential uses. (Ord. 61-97. Passed 10-13-97.)

1335.06 LAND USE WITHIN WELLHEAD PROTECTION ZONE 2 (WHPZ2).

Zone WHPZ2 surrounds WHPZ1, and is needed as added protection to the City Wellfield.

- (a) The following uses are prohibited in WHPZ2:
 - (1) Disposal of solid waste;
 - (2) Disposal of hazardous waste;
 - (3) The outside storage of herbicide, pesticide fertilizer and fungicide; and
 - (4) Any other use which involves, as principal activity, the manufacturing, storage, use, transportation or disposal of toxic or hazardous material.
- (b) Regulated Land Uses in WHPZ2.
 - (1) All practices, and facilities prohibited in WHPZ1 but not prohibited in WHPZ2 will follow the guidelines of nonconforming facilities located in WHPZ1 and WHPZ2 described in those sections to include registration with the Division of Water, and if required by the Division of Water, installation of monitoring wells.
 - (2) Any petition to install new underground storage tanks for liquid petroleum and/or chemical products of any kind must first be reviewed by Fire Prevention and the Division of Water to determine its relative position to the wellfield and its potential impact on the aquifer. The length of the review period shall be determined by Fire Prevention and the Division of Water.

- (3) Any facility which closes for more than six months must be reviewed and approved by the Division of Water and Council before it may reopen. If approval is not granted, only practices listed in subsection (d) hereof will be permitted at the location.
 - (4) Any regulated facilities or establishments wishing to open must have the approval of the Division of Water and Council.
 - (5) Any business or facility who wishes to operate within the City must first contact the City Engineer's Office and follow proper planning and zoning procedures.
- (c) Exemptions and Guidelines for WHPZ2. Any business facility or structure within WHPZ2, which is established prior to the effective date of Ordinance 40-94, established November 28, 1994, shall be identified as nonconforming facilities, and are allowed to continue to conduct business under the following guidelines:
- (1) All nonconforming facilities in WHPZ2 shall follow the same guidelines given for nonconforming facilities in WHPZ1.
- (d) Allowed Land Uses In WHPZ2.
- (1) All practices allowed in WHPZ1 are also allowed within WHPZ2.
- (Ord. 61-97. Passed 10-13-97.)

1335.07 ENFORCEMENT OF THE WELLHEAD PROTECTION PLAN.

The Division of Water and/or Environmental Specialist is hereby appointed to administer the Wellhead Protection Plan described in this chapter.
(Ord. 61-97. Passed 10-13-97.)

1335.08 RECORD KEEPING.

A copy of the records pertaining to registration under this chapter shall be retained for not less than seven years, and shall be made available for public review by the Division of Water Office upon written request. All such copies of the records shall be transferred to any owner or operator of an establishment that is sold, leased, transferred to, or received by a new owner or operator. The transfer of copies of the records shall in no way eliminate or prevent the necessity of the new owner or operator to register with the Division of Water Office as required by the chapter. (Ord. 61-97. Passed 10-13-97.)

1335.09 NOTICE OF VIOLATION.

(a) Any person found in violation of any provision of this chapter, any order, requirement, rule or regulation issued under the authority of such sections will be served with a written notice stating the nature of the violation, and providing reasonable time for compliance. If the Division of Water and/or Environmental Specialist has previously issued a schedule of compliance or issued an order addressing the same type of or a similar violation and the time for compliance has passed, the Division of Water may dispense with establishing another time period for compliance.

(b) The notice shall be served in the manner provided by law for the service of civil process. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax-mailing address of the owner as shown on the County tax record.
(Ord. 61-97. Passed 10-13-97.)

1335.10 INSPECTIONS.

Subject to applicable provisions of law, the Division of Water, or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling and records examination pertaining to the requirements of this chapter to ensure that activities are in accordance with the provisions of this chapter. Upon request of the entity which is the subject of the inspection and if permitted by the Ohio Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the Division of Water for the above stated purposes, the Division of Water may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.
(Ord. 61-97. Passed 10-13-97.)

1335.99 PENALTY.

Any person, firm, corporation, or business entity who violates any provision of this chapter beyond the first time limit for compliance set forth in writing by the Division of Water shall result in a one hundred dollar (\$100.00) fine per day. Any person, firm, corporation, or business entity who continues to violate any provisions of this chapter beyond the time limit for compliance set forth by the Division of Water shall be guilty of a misdemeanor of the first degree. Each day a violation continues, after notification, shall constitute a separate offense.
(Ord. 61-97. Passed 10-13-97.)

APPENDIX A**Definition of 1-year T-O-T Boundaries.**

The 1-year Time-of-Travel zone shall be defined as that area enclosed by the centerlines of the following streets and is shown in Figure 1.

Starting from the intersection of Fair Avenue and Memorial Drive:

- East on Fair Avenue to Columbus Street;
- South on Columbus Street to Arnold Avenue;
- West on Arnold Avenue to Broad Street;
- South on Broad Street to Chestnut Street;
- West on Chestnut Street to Memorial Drive;
- A straight line from the above intersection to the bridge over the Hocking River on Lincoln Avenue;
- Southwest on Lincoln Avenue to Zane Avenue;
- North on Zane Avenue to Main Street;
- West on Main Street to Harrison Avenue,
- North on Harrison Avenue to 7th Avenue;
- East on 7th Avenue to Goodwin Avenue;
- North on Goodwin Avenue to Fair Avenue;
- East on Fair Avenue to Slocum Street;
- A straight line from the above intersection to the Memorial Drive - Reber Avenue Intersection ;
- South on Memorial Drive to Fair Avenue.

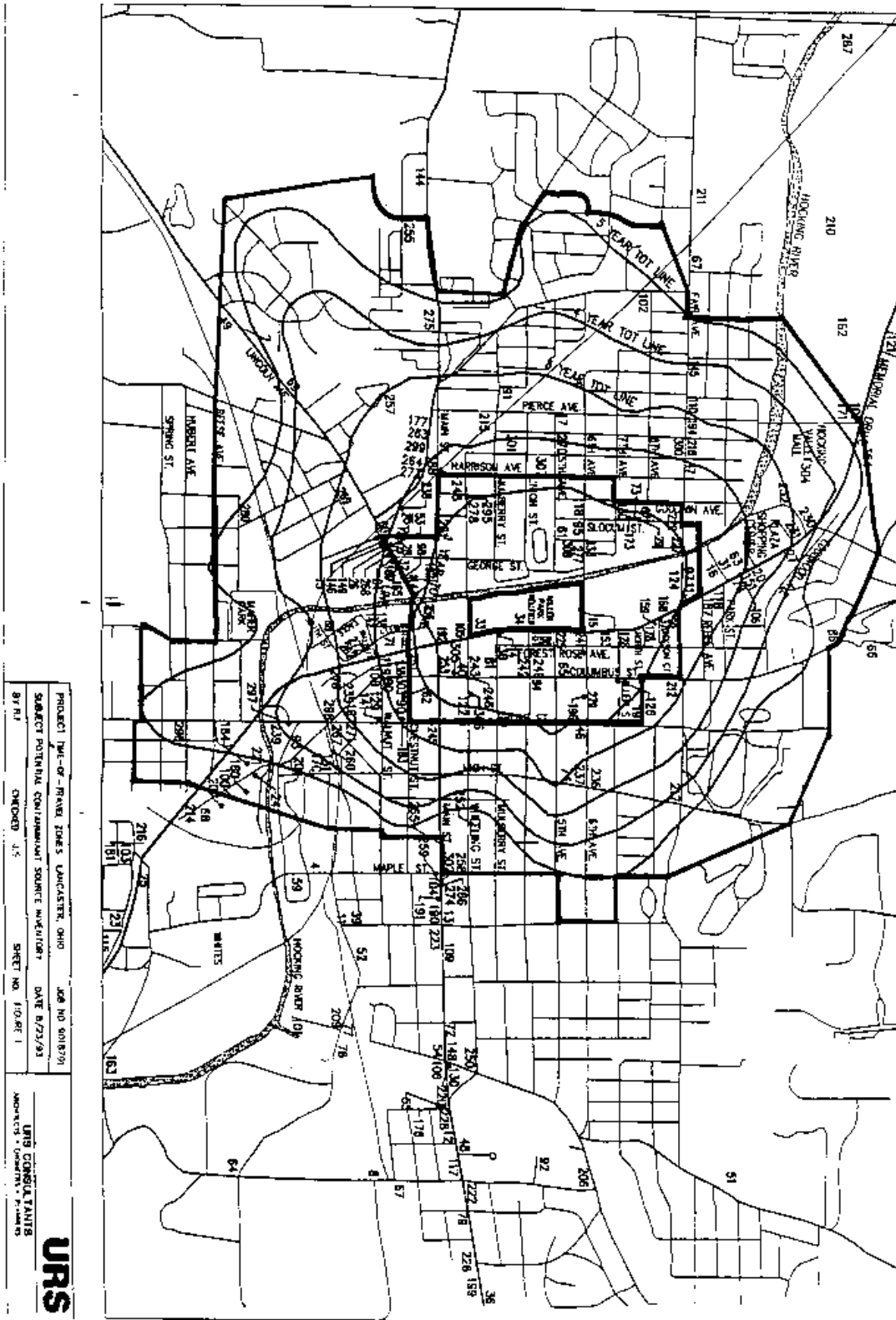
APPENDIX B

Definition of 5-year T-O-T Boundaries.

The 5-year Time-of-Travel zone shall be defined as that area enclosed by the centerlines of the following streets and the lines connecting the points as shown in Figure 1.

Starting from the intersection of Pierce Avenue and Memorial Drive:

- A straight line from the above intersection east to the Columbus Street and Arlington Ave intersection ;
- Southeast on Columbus Street to Marks Avenue;
- West on Marks Avenue to Broad Street;
- A straight line from the above intersection to the intersection of High Street and Stringtown Road;
- A straight line from the above intersection to the Maple Street and Fair Avenue;
- South on Maple Street to Allen Street;
- East on Allen Street to Pleasant Avenue;
- South on Pleasant to 5th Avenue;
- West on 5th Avenue to Maple Street;
- South on Maple to Main Street;
- West on Maple to Tennant Street;
- South on Tennant Street to Walnut Street;
- West on Walnut Street to Sycamore Street;
- South on Sycamore Street to Lawrence Street;
- A straight line from the above intersection to intersection Fourth Street and Memorial Drive;
- South on Fourth to Eyman Avenue;
- West on Eyman to Broad Street;
- North on Broad to Cleveland Avenue;
- West on Cleveland to Dead End;
- A straight line from the above intersection north to the intersection of Eagle Avenue and Hubert;
- North on Eagle to Reese Avenue;
- West on Reese Avenue to Boving Road;
- A straight line from the above intersection southeast to the end of Ridgemire Way;
- A straight line from the above intersection to the west end of Gay Street;
- Follow Gay northwest to Cedar Hill Road;
- East on Cedar Hill Road to Ohio Avenue;
- North on Ohio Avenue to Mulberry Street;
- West on Mulberry Street to Mohawk Drive;
- North on Mohawk to Shoshone Drive;
- North on Shoshone Drive to Grove Avenue;
- A straight line from the above intersection to the intersection of Fair Avenue and Van Buren;
- West on Fair Avenue to Green Avenue;
- A straight line from the above intersection due north to the Hocking River;
- A straight line from the above intersection to the intersection of Memorial Drive and Pierce Avenue.



CHAPTER 1339
Wireless Telecommunications

1339.01	Legislative purposes.	1339.09	Residential districts.
1339.02	Applicability.	1339.10	Abandonment of tower.
1339.03	Definitions.	1339.11	Variances and special exceptions.
1339.04	General requirements.	1339.12	Miscellaneous.
1339.05	Co-location requirements.	1339.13	Zoning clearance permit and site review fee.
1339.06	Permitted uses.	1339.99	Penalty.
1339.07	Criteria for a conditional use.		
1339.08	Nonresidential districts.		

1339.01 LEGISLATIVE PURPOSES.

The purpose of this chapter is to regulate the placement, construction and modification of Towers, Antenna Support Structures, and Wireless Telecommunications Facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City. Specifically, the purposes of this chapter are:

- (a) To protect residential areas and land uses from potential adverse impacts of Towers and Wireless Telecommunications Facilities.
- (b) To minimize adverse visual impacts of Towers and Wireless Telecommunications Facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
- (c) To promote and encourage shared use/co-location of Towers and Antenna Support Structures as a primary option rather than construction of additional single-use Towers.
- (d) To avoid potential damage to adjacent properties caused by Towers and Wireless Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed.
- (e) To the greatest extent feasible, ensure that Towers and Wireless Telecommunications Facilities are compatible with surrounding land uses.
- (f) To the greatest extent feasible, ensure that proposed Towers and Wireless Telecommunications Facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.
- (g) To encourage the location of Towers and Antennas in areas where the adverse impact on the community is minimal.

- (h) To protect the public health and safety through the proper location and construction of Towers and Wireless Telecommunications Facilities.
- (i) To encourage, where available and appropriate, the use of City owned structures and/or property for Wireless Telecommunications Facilities.
(Ord. 43-02. Passed 11-25-02.)

1339.02 APPLICABILITY.

(a) All Towers, Antenna Support Structures, and Wireless Telecommunications Facilities, any portion of which are located within in the City, are subject to this Ordinance.

(b) Except as provided in this chapter, any use being made of any existing Tower or Antenna Support Structure on the effective date of this chapter (herein “Non-conforming Structures”) shall be allowed to continue, even if in conflict with the terms of this chapter. Any Tower site that has received City approval in the form of either a special exception or building permit, but has not yet been constructed or located, shall be considered a Non-conforming Structure so long as such approval is current and not expired. After the effective date of this chapter, any substantial reconstruction, substantial modification, or replacement of any structure that does not conform with the zoning regulations in the district in which it is located, shall be required to conform to this ordinance. After the effective date of this chapter, any construction of a new structure shall be required to conform to this chapter.
(Ord. 43-02. Passed 11-25-02.)

1339.03 DEFINITIONS.

For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this Section. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

- (a) “Amateur Radio Operator” is any person or organization that currently holds a valid license granted by the Federal communications Commission to operate an amateur radio within Part 97 of the FCC rules and regulations.
- (b) “Antenna” means any device used for transmitting and receiving electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals) or wireless telecommunication signals. This definition does not include over-the-air reception devices which receive television broadcast signals, direct or broadcast signals, direct broadcast satellite services, or multi-channel multi-point distribution service.
- (c) “Antenna Support Structure” means any building or other structure other than a Tower which can be used for location of Wireless Telecommunications Facilities.
- (d) “Applicant” means any Person that applies for a Zoning Clearance Permit or a Conditional Use Permit pursuant to Section 1339.07 of this chapter.
- (e) “Application” means the process by which an Applicant submits a request and indicates a desire to be granted a Zoning Clearance Permit or a Conditional Use Permit under the provisions of this chapter. An Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an Applicant to the City concerning such a request.

- (f) “City” means the City of Lancaster, Ohio, a municipal corporation, in the State of Ohio, acting by and through its City Council.
- (g) “Code” means the Code of Ordinances of the City.
- (h) “Co-location” means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.
- (i) “Conditional Use” means an uncommon or infrequent use which may be permitted in a specific zoning district subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in this chapter.
- (j) “Council” means City Council.
- (k) “Emergency” means a reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
- (l) “Engineer” means any engineer licensed by the State of Ohio.
- (m) “Equipment Shelter” means the structure in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.
- (n) “FAA” means the Federal Aviation Administration and any legally appointed, designated, or elected agent or successor.
- (o) “FCC” means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- (p) “Monopole” means a support structure constructed of a single, Self-supporting hollow metal tube securely anchored to a foundation.
- (q) “Person” is a natural person, legal entity, private or public, whether for profit or not-for-profit.
- (r) “Residential Building” means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.
- (s) “Residential District” shall mean a district where the zoning is designated RE, RS-1, RS-2, RS-3, RS-4, RD, RM-0, RM-1, RM-2, RM-3, and RMH under the City's Zoning Code.
- (t) “Tower” means a self-supporting lattice, or guyed or monopole structure constructed from grade which supports Wireless Telecommunications Facilities. The term Tower shall not include Amateur Radio Operators’ equipment, as licensed by the FCC. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers, wireless, telecommunications towers, and alternative tower structures.
- (u) “Viewshed” means the area surrounding a Wireless Telecommunications Facility or Antenna Support Structure, within which the Facility or Structure is visible from street level.
- (v) “Wireless Telecommunications Facility” means any cables, wires, lines, wave guides, microwave dishes, radio frequency reflectors, Antennas or any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a Person seeks to locate or has installed upon a Tower or Antenna Support Structure. However, the term Wireless Telecommunications Facilities shall not include:

- (1) Any satellite earth station antenna two meters in diameter or less which are located in any area zoned industrial or commercial.
 - (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
 - (3) Antennas used by Amateur Radio Operators are excluded from this definition.
- (w) "Zoning Clearance Permit" means that permit issued by the City Zoning Inspector upon a finding that the proposed Wireless Telecommunications Facility conforms with the requirements of this Chapter and with the City's Zoning Code.
(Ord. 43-02. Passed 11-25-02.)

1339.04 GENERAL REQUIREMENTS.

(a) The following requirements apply to all Towers and Wireless Telecommunications Facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for nonresidential districts as set forth in Sections 1339.08 and 1339.09 herein.

- (1) When the proposed Wireless Telecommunications Facility or Antenna Support Structure is to be located on or affixed to a new Tower or Antenna Support Structure, a plot plan at a scale of not less than one inch equals 50 feet shall be submitted to the Planning Commission. This plot plan shall indicate all building uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.
- (2) Photosimulations of the proposed Wireless Telecommunications Facility from effected residential properties and public right-of-way at varying distances shall be provided.
- (3) The location of the Tower and Equipment Shelter and Antenna Support Structure shall comply with all laws and regulations relating to flood plains, wetlands and steep slopes.
- (4) Security fencing eight feet in height shall surround the Tower, Equipment Shelter and any guy wires, either completely or individually as determined by the Planning Commission. Razor wire shall not be used in security fencing, and no barbed wire shall be permitted in residential neighborhoods. The City and co-locators shall have reasonable access, and the exterior portion of the security fencing shall have a locked "Knox Box" which contains the keys and/or the access code to that facility such that entry to the facility can be obtained on an immediate basis by police, fire, emergency, and other safety personnel. No fence shall be required on top of a building or other structure if access to the roof or top of the structure is secure.
- (5) Buffer plantings shall be located around the perimeter of the security fence as approved by Planning Commission. Options are an evergreen screen to be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum, or other screens determined to be appropriate by the Planning Commission.

- (6) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- (7) Compliance with co-location requirements as set forth in Section 1339.05, below.
- (8) Any application to locate a Wireless Telecommunications Facility on a building or structure that is listed on an historic register, or is in an historic district, shall be subject to review and approval by the Historic Lancaster Commission in addition to any other required review and approval processes.
- (9) Towers shall either maintain a non-contrasting gray or similar color or have a dull, non-glare, non-reflective galvanized steel finish unless otherwise required by the City or any applicable standards of the FAA, the FCC, and the Ohio Department of Transportation.
- (10) At a Tower site, the design of the buildings and related structures shall use materials, colors, textures, and screening so as to be aesthetically and architecturally compatible with the surrounding environment, as approved by the Planning Commission.
- (11) If an Antenna is installed on a structure other than a Tower, the Antenna and the supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the Antenna and related equipment as visually unobtrusive as possible, as determined by the Planning Commission.
- (12) All Towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate Towers and Antennas. If such standards and regulations are changed, then the owners of the Towers and Antennas governed by this Ordinance shall bring such Towers and Antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling federal or state requirements or agencies. Failure to bring Towers and Antennas into compliance with such revised standards and regulations shall constitute grounds for removal of the Tower or Antenna at the owner's expense.
- (13) Except as otherwise provided herein, no signs shall be allowed on an Antenna or Tower except that "No Trespassing" signs shall be posted around the Antenna or Tower with a telephone number of who to contact in the event of an emergency. Any such identification signage shall be in accordance with the City sign code.
- (14) A. Under no circumstances shall a tower exceed a total height of two hundred (200) feet as measured from grade to the top of the highest point of the Tower or Antenna or other equipment affixed thereto.

- B. Where the Applicant seeks to install a Tower with the height of no less than one hundred and fifty (150) feet and no more than two hundred (200) feet, the Applicant shall be required to make leased space available on that Tower for Antennas and related equipment from no less than two (2) additional telecommunications providers.
 - C. Where the Applicant seeks to install a Tower with a height of less than one hundred and fifty (150) feet, the Applicant shall be required to make leased space available on said Tower for Antennas and related equipment from no less than one (1) additional telecommunications provider.
 - D. No Tower shall be artificially lighted except to assure safety or as required by the FAA.
- (15) Underground Equipment Shelters are encouraged in Residential Districts, and may be requested by the Planning Commission.
- (16) To insure the structural integrity of Towers, the owner of a Tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for Towers that are published by the Electronics Industries Association, as amended from time to time. If, upon inspection, the City concludes that a Tower fails to comply with such codes and standards and constitutes a danger to person or property, then upon notice being provided to the owner of the Tower, the owner shall have thirty (30) days to bring such Tower into compliance with such standards. Failure to bring such Tower into compliance within said thirty (30) days shall constitute grounds for the removal of the Tower or Antenna at the owner's expense.
- (17) The maximum height of any Equipment Shelter shall be no more than twenty (20) feet above grade and shall contain no more than four hundred (400) square feet for a single shelter and no more than eight hundred (800) square feet if there is more than one shelter.
- (18) Towers and Wireless Telecommunications Facilities must be designed by an Engineer who shall provide a structural plan of the Tower or Wireless Telecommunications Facility and who shall certify the same to be structurally sound and, at a minimum, in compliance with the Ohio Basic Building Code.
- (19) Applicant shall present a signed affidavit indicating:
- A. The Applicant agrees for so long as the Tower or Antenna Support Structure has not been abandoned, to allow for the potential co-location of additional Wireless Telecommunications Facilities by other providers on the Applicant's structure or within the same site location; and
 - B. That the Applicant agrees to remove the facility within one hundred eighty (180) days after the site's use is discontinued.

(b) Any Wireless Telecommunications Facilities which are not attached to a Tower shall be a permitted ancillary use to any commercial, industrial, or institutional structure, regardless of the zoning restrictions applicable to the zoning district where the structure is located, provided that the Person making such ancillary use first files a written certification with the Planning Commission establishing, to the reasonable satisfaction of the Planning Commission.

- (1) That the total height of the Antenna Support Structure and Wireless Telecommunications Facilities do not exceed the structural height limitations in the applicable zoning district under the Code by more than twenty (20) feet;
- (2) That the Antenna Support Structure and Wireless Telecommunications Facilities comply with the Ohio Basic Building Code;
- (3) That any Wireless Telecommunications Facilities and their appurtenances, located on the roof of a building are set back one (1) foot from the edge of the roof, not including the penthouse, for each one (1) foot in height of the Wireless Telecommunications Facilities. However, this setback requirement shall not apply to Antennas less than two (2) inches in thickness, which are mounted to the sides of Antenna Support Structures, but which do not protrude more than six (6) inches from the side of such an Antenna Support Structure. This requirement is subject to change by the Planning Commission upon review of the photosimulation provided in compliance with Section 1139.04.
- (4) That the Wireless Telecommunications Facilities will utilize camouflaging techniques or will be side-mounted to an Antenna Support Structure in order that the Wireless Telecommunications Facilities harmonize with the character and environment of the area in which they are located. Notwithstanding the above, where an Applicant seeks to locate a Wireless Telecommunications Facility in an historic district or on an historic building, the Applicant shall be required to obtain approval of the Historic Lancaster Commission prior to locating the Wireless telecommunications Facility in said district or on said structure.
(Ord. 43-02. Passed 11-25-02.)

1339.05 CO-LOCATION REQUIREMENTS.

(a) City Owned Property First.

- (1) In order to encourage the location of Wireless Telecommunications Facilities on property owned by the City, the City shall undertake an identification of City-owned properties that the City determines are suitable for such use. The City shall regularly update such identification and make the results of such identification available to the public.
- (2) Persons locating Wireless Telecommunications Facilities upon such identified City-owned properties shall be exempted from the requirements herein regarding presentation of proof that co-location of facilities on Towers or structures owned by other Persons or in other locations is not available. However, Persons locating Wireless Telecommunications Facilities on City-owned properties shall continue to be subject to the requirements contained in Paragraph B, below.

- (3) In addition, Persons locating Wireless Telecommunications Facilities on City-owned properties identified by the City to be suitable for such purposes shall be exempt from the requirement of Sections 1339.04(a)(2), (a)(5), (a)(6), (a)(7), (a)(19)A., 1339.07 (a)(1), (a)(2), and (a)(3), and 1339.09(a) [but shall not be exempt from 1339.09 (a)(1), (a)(2) and (a)(3)].

(b) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new Tower shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing Tower, structure, or alternative technology is available to fill the communication requirements. An Applicant shall submit information to the Planning Commission relating to the availability of suitable existing Towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing Tower, structure, or alternative technology can accommodate the Applicant's proposed Antenna may consist of any of the following:

- (1) No existing Towers or structures are located within the specific geographic limits which met Applicant's engineering requirements.
- (2) Existing Towers and structures do not have sufficient height to meet Applicant's engineering requirements, and have insufficient structural strength to support Applicant's Antenna and related equipment.
- (3) The Applicant's proposed Antenna would cause frequency interference with the Antenna on the existing Tower or structures, or the Antenna on the existing Tower or structures would cause interference with the Applicant's proposed Antenna.
- (4) The fees, costs, or contractual provisions required by the owner in order to share an existing Tower structure or to adapt an existing Tower or structure for sharing are unreasonable. Cost exceeding new Tower development are presumed to be unreasonable.
- (5) The Applicant demonstrates, after diligent and good faith investigation and research, that there are other limiting factors that render existing Towers and structures unsuitable.
- (6) The Applicant demonstrates that an alternative technology that does not require the use of Towers or structures, such as cable microcell network using low-powered transmitter/receivers attached to a wireline, is unsuitable. Costs of alternative technology that exceed new Tower or Antenna development shall not be presumed to render the technology unsuitable.
- (7) The Applicant provides documentation that the owners or operators of currently existing Towers were contacted in writing inquiring about the availability of co-location on those currently existing towers that a bona fide, reasonable, and good faith attempt was made to co-locate on that existing Tower.

(Ord. 43-02. Passed 11-25-02.)

1339.06 PERMITTED USES.

(a) Subject to the requirements of Sections 1339.04 and 1339.05, construction and/or location of Antennas, Towers, and other Wireless Telecommunications Facilities in districts which are zoned IL, IM or IH, shall be a permitted use.

(b) Subject to Sections 1339.04 and 1339.05 (1) co-location of Antennas on a single Tower, (2) Antennas attached to existing structures or buildings, (3) Towers located in districts zoned "IL", "IM", or "IH", or (4) replacement Towers to be constructed at the site of a current Tower, are permitted uses and will not be subject to the Conditional Use permitting process. (Ord. 43-02. Passed 11-25-02.)

1339.07 CRITERIA FOR A CONDITIONAL USE.

(a) Districts Other Than Those Zoned "IL", "IM", or "IH". A Wireless Telecommunications Facility which includes a Tower may be permitted as a conditional use in districts other than those zoned "IL", "IM", or "IH". In addition to compliance with Sections 1339.04 and 1339.05, above the following steps must also be taken for the Application to be considered for review for a Conditional Use Permit:

- (1) The Applicant shall demonstrate to the Planning Commission that the Tower must be located where it is proposed in order to service the Applicant's service area or proposed service area, and that there are no feasible alternatives. The Applicant shall submit a written explanation as to why a Tower on this proposed site is technically necessary.
- (2) Where the Wireless Telecommunications Facility is located on property with another principal use, the Applicant shall present written documentation that the owner of the property supports the Application and that the vehicular access, including access for police, fire, ambulance, and other emergency vehicles, is provided to the facility.
- (3) The Applicant shall present a site/landscaping plan showing the specific placement of the Wireless Telecommunications Facilities on the site; showing the location of existing structures, trees, and other significant site features; and indicating type and locations of plant materials used to screen the facilities and the proposed color of the facilities.

(b) A Conditional Use Permit must be approved by the Planning Commission with a Zoning Clearance Permit issued to the Applicant by the City's Engineering Department before construction of new Towers may commence in all districts other than those zoned "IL", "IM", or "IH".

(c) Any decision to deny a request to place, construct or modify a Wireless Telecommunications Facility and/or Tower shall be issued by the Planning Commission in writing and supported by evidence contained in a written record of the proceedings of the Planning Commission. Any appeal from the decision of the Planning Commission shall first be taken to the Board of Zoning Appeals. (Ord. 43-02. Passed 11-25-02.)

1339.08 NONRESIDENTIAL DISTRICTS.

In addition to the requirements of Section 1339.04 and 1339.05, Wireless Telecommunications Facilities proposed for districts zoned AG, CN, CG, CH, CBD, SR, OL, OM, OMH or OH are subject to the following conditions:

- (a) Sole Use on a Lot: A Wireless Telecommunications Facility is permitted as sole use on a lot subject to the following:
 - (1) Minimum Lot Size.
 - A. Where the lot on which the Wireless Telecommunications Facility is located is not adjacent to, adjoining, or contiguous to a Residential District, the minimum size for such lot shall be no less than one (1) acre;
 - B. Where the lot on which the Wireless Telecommunications Facility is located is adjacent to, adjoining, or contiguous to a Residential District, the minimum lot size for such shall be no less than two (2) acres;
 - (2) Minimum Setback Requirements.
 - A. Where the lot on which the Tower is located is not adjacent to, adjoining, or contiguous to a Residential District, the minimum distance to any adjacent, adjoining, or contiguous right of way or property line measured from the base of the Tower to said right of way or property line shall be no less than sixty (60) feet;
 - B. Where the lot on which the Tower is located is adjacent to, adjoining, or contiguous to a Residential District, the minimum distance to any adjacent, adjoining, or contiguous right of way or property line measured from the base of the Tower to said right of way or property line shall be no less than the height of the Wireless Telecommunications Facility from its base to its uppermost portion.
- (b) Combined With Another Use. In addition to the foregoing, a Wireless Telecommunications Facility is permitted on a property with an existing use subject to the following conditions:
 - (1) The existing or future use on the property may be any permitted use in the district or any lawful nonconforming use, and need not be affiliated with the wireless telecommunications provider. The Wireless Telecommunications Facility will not be considered an addition to the structure or value of a nonconforming use.
 - (2) The Wireless Telecommunications Facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
 - (3) Minimum Lot Area. The minimum lot area shall be the area needed to accommodate the Tower (and guy wires, if used), the Equipment Shelter, security fencing and buffer planting.

- (4) Minimum Setback Requirements.
- A. Where the lot on which the Wireless Telecommunications Facility is located is not adjacent to, adjoining, or contiguous to a Residential District, the minimum distance to any adjacent, adjoining, or contiguous right of way or property line measured from the base of the Tower to said right of way or property line shall be no less than sixty (60) feet;
- B. Where the lot on which the Tower is located is adjacent to, adjoining, or contiguous to a Residential District, the minimum distance to any adjacent, adjoining, or contiguous right of way or property line measured from the base of the Tower to said right of way or property line shall be no less than the height of the Wireless Telecommunications Facility from its base to its uppermost portion.
- (5) Access. The service access to the Equipment Shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
- (c) Combined With An Existing Structure. In addition to the foregoing, where possible, an Antenna for a Wireless Telecommunications Facility shall be attached to an existing structure or building subject to the following conditions:
- (1) Maximum Height. No more than 20 feet above the existing building or structure, whichever is greater.
- (2) If the Applicant proposes to locate the telecommunications equipment in a separate Equipment Shelter (not located on, or attached to, the building), the Equipment Shelter shall comply with the following:
- A. The minimum setback requirements for the subject zoning district.
- B. A buffer yard may be planted in accordance with Section 1339.04.
- C. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
(Ord. 43-02. Passed 11-25-02.)

1339.09 RESIDENTIAL DISTRICTS.

(a) Except as provided below, Wireless Telecommunications Facilities that include Towers are not permitted in Residential Districts with the exception of placement on any property with an institutional use (e.g., church, park, library, municipal/government, cemetery, school, utility) located in a Residential Districts. However, Antennas attached to existing buildings or structures are permitted. In applying for a permit in any Residential District, the Applicant must present sufficient evidence to the Planning Commission as to why it is not technically feasible to locate in a more appropriate nonresidential district. Once those efforts have been exhausted, a Wireless Telecommunications Facility may be located in a Residential District subject to the following conditions:

- (1) General. The Wireless Telecommunications Facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance. This shall apply to (2), (3) and (4) below.

- (2) Combined with a Nonresidential Use. An antenna may be attached to a nonresidential building or a structure that is a permitted use in the district; including, but not limited to, a church, a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility. In addition to the requirements set forth in Section 1339.04, the following conditions shall be met:
- A. Maximum height: 20 feet above the existing building or structure.
 - B. If the Applicant proposes to locate the telecommunications equipment in a separate Equipment Shelter, the Equipment Shelter shall comply with the following:
 - 1. The Equipment Shelter shall comply with the minimum setback requirements for the subject zoning district.
 - 2. A buffer yard shall be planted in accordance with Section 1339.04.
 - 3. Vehicular access to the Equipment Shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
- (3) Located on a Nonresidential-Use Property. A Tower to support an Antenna may be constructed on a property with a nonresidential use that is a permitted use within the district, including but not limited to a church, cemetery, school, municipal or government building, government facility or government structure, agricultural use and a utility use, subject to the following conditions:
- A. Vehicular access to the Tower and Equipment Shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
- (4) Located on a Residential Building. An Antenna for a Wireless Telecommunications Facility shall not be located on any Residential Building with fewer than four (4) floors which are completely above grade. An Antenna for a Wireless Telecommunications Facility may be attached to a Residential Building containing four (4) floors or more completely above grade subject to the following conditions:
- A. Maximum Height: 20 feet above the existing building.
 - B. If the Applicant proposes to locate the telecommunications equipment in a separate Equipment Shelter (not located in, or attached to, the building), the Equipment Shelter shall comply with the following:
 - 1. The shelter shall comply with the maximum setback requirements for the subject zoning district.
 - 2. A buffer yard shall be planted in accordance with Section 1339.04.
 - 3. Vehicular access to the Equipment Shelter shall, if at all possible, use the existing circulation system.
- (Ord. 43-02. Passed 11-25-02.)

1339.10 ABANDONMENT OF TOWER.

(a) All providers utilizing towers shall present a report to the Service Safety Director notifying such person of any Tower facility located in the municipality whose use will be discontinued and the date this use will cease. If at any time the use of this facility is discontinued for 180 days, a designated local official may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the Service Safety Director and be instructed to either reactivate the facility's use within 90 days, or dismantle and remove the facility. If reactivation does not occur, the municipality shall have the authority to remove or will contract to have removed the facility and assess the owner/operator the costs. In case of a multi-use Tower, this provision does not become effective until all users cease use of the Tower. However, the City may cause the abandoned portions of the systems on the multi-use Tower to be removed in accordance with this provision.

(b) After the expiration of the periods set forth in subsection (a), the City must provide the Tower owner three (3) months notice and an opportunity to be heard before the City Council before initiating such action. After such notice has been provided, the City shall have the authority to initiate proceedings to either acquire the Tower and any appurtenances attached thereto at the then fair market value, or in the alternative, order the demolition of the Tower and all appurtenances.

(c) The City shall provide the Tower owner with the right to a public hearing before the City Council, which public hearing shall follow the three (3) month notice required in subsection (b). All interested parties shall be allowed an opportunity to be heard at the public hearing.

(d) After a public hearing is held pursuant to subsection (c), the City Council may order the acquisition or demolition of the Tower. The City may require the owner of the Tower or, if the owner of the Tower or its legal successor is no longer in existence then the owner of the property on which the Tower is located, to pay for all expenses necessary to acquire or demolish the Tower and take all appropriate actions to effect and implement the same. (Ord. 43-02. Passed 11-25-02.)

1339.11 VARIANCES.

Any request to deviate from any of the requirements of this chapter shall require variance approval in conformance with the procedures set forth in the City Code. (Ord. 43-02. Passed 11-25-02.)

1339.12 MISCELLANEOUS.

(a) Non-Waiver. Nothing in this chapter shall preclude the City from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of this chapter.

(b) Severability. If any provision of this chapter or the Application of any provision of this chapter to any Person is, to any extent, held invalid or unenforceable by a tribunal of competent jurisdiction, the remainder of this chapter and the application of such provision to other Persons or circumstances shall not be affected by such holding. In case of such an event, this chapter and all of its remaining provisions shall, in all other respects, continue to be effective. In the event the law invalidating such an chapter provision is subsequently repealed, rescinded, amended or is otherwise changed so that the provision which had been held invalid or unenforceable, no longer conflicts with the laws, rules or regulations then in effect, the previously invalid or unenforceable provision shall return to full force and effect. (Ord. 43-02. Passed 11-25-02.)

1339.13 ZONING CLEARANCE PERMIT AND SITE REVIEW FEE.

(a) Each person or entity shall obtain from the City Engineering Department a Zoning Clearance Permit before erecting, adding to, relocating, replacing or structurally altering any Wireless Telecommunications Facility in the City. The Engineering Department may not issue a Zoning Clearance Permit until the Wireless Telecommunications Facility has been reviewed by all the Boards and Commissions as set forth in this chapter.

(b) Any person or entity that submits an application for a Zoning Clearance Permit for the location of a Wireless Telecommunications Facility within the City shall pay the City a non-refundable application fee of four hundred dollars (\$400.00) ("the Application Fee") and remit said fee to the City Treasurer. Said fee shall be paid to the City Treasurer at the time that the application is submitted.

(c) Each person or entity granted a permit to locate a Wireless Telecommunications Facility within the City shall annually, no later than January 31, submit a report to the Office of City Engineer setting forth maintenance and repairs that have been performed on the Wireless Telecommunications Facility during the immediately preceding calendar year ("the Annual Maintenance Report"). Along with the Annual Maintenance Report, each person or entity granted a permit to locate a Wireless Telecommunications Facility within the City shall submit an annual site review fee of five hundred dollars (\$500.00) ("the Site Review Fee") to the City Treasurer.

(d) The Application Fee and the Site Review Fee shall be paid into the General Fund of The City. (Ord. 43-02. Passed 11-25-02.)

1339.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a Misdemeanor in the First Degree and in addition to any period of incarceration permitted by law, shall be subject to a maximum fine of one thousand dollars (\$1,000.00) per violation if the violator is an individual, or five thousand dollars (\$5,000.00) per violation if the violator is an organization as defined in Ohio R.C. 2901.23. For purposes of this section, each day in which this Chapter is violated shall constitute a separate violation. (Ord. 43-02. Passed 11-25-02.)

CHAPTER 1341
Registration of Contractors

1341.01 Contractor registration categories and definitions.	1341.02 Specific requirements. 1341.99 Penalty.
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1341.01 CONTRACTOR REGISTRATION CATEGORIES AND DEFINITIONS.

(a) GENERAL- means those persons, business or companies that directly engage in building construction and hire subcontractors to provide construction services for specific skilled trades. As of 2005 a state license is not required to register as a general contractor. The general contractor may perform limited work, as the Building Department determines, on residential projects that are listed under the “skilled trades” category. All work that involves more than limited work must be completed by persons, businesses or companies registered under the applicable skilled trade category.

(b) HOME IMPROVEMENT or SPECIALTY- means those persons, businesses or companies that directly engage in specific construction activities, alterations or renovations. As of 2005 a state license is not required to register under this category. Home improvement or specialty contractors are permitted to perform limited work, as determined by the Building Department, on residential projects that are listed under the “skilled trades” category. All work that involves more than limited work must be completed by persons, businesses or companies registered under the applicable skilled trade category.

(1) Home Improvement-Specialty Trades: (Registration under more than one specialty permitted if bond provided reflects each specialty)

- A. Drywall/Plaster- means those persons, businesses or companies that provide drywall (gypsum board) or cement plaster installation, repair or replacement in or on a building structure.
- B. Deck- means those persons, businesses or companies that provide services to install, repair or replace an exterior floor system supported on at least two opposing sides by adjoining structure and/or posts, piers, or other independent supports.
- C. Demolition/Hauling- means those persons, businesses or companies that provide services to demolish structures and remove construction materials from a specific location.

- D. Excavator/Tapper- means those persons, businesses or companies that provide services to remove, replace, compact or grade earth for construction projects and to install, tap into, repair or replace sewer, water, gas or other utilities lines or cables.
 - E. Framing- means those persons, businesses or companies that provide services to install, repair or replace structural components, beams, framework, or deck work in a building structure.
 - F. Gutter/Spouting- means those persons, businesses or companies that provide installation, repair or replacement on any system of water collection or diversion of water from a roof system through drain lines on or about a building structure.
 - G. Landscaping- means those persons, businesses or companies that provide the installation of lawns, tree, shrubbery or bushes at or about building construction sites.
 - H. Masonry/Cement/Asphalt- means those persons, businesses or companies that provide services for installation of block, bricks, stone, cement or asphalt at or on a building structure or construction site.
 - I. Roofing- means those persons, businesses or companies that provide services to install replace or repair a system designed to provide weather protection and resistance to design loads consisting of roof decking, vapor retarder, substrate and roof covering.
 - J. Siding- means those persons, businesses or companies that provide services to install, replace or repair a covering material on the exterior of building structures as to protect the structure against weather elements.
 - K. Sign & Graphics- means those persons, businesses or companies that provide services to install, repair, replace or modify publicly displayed boards that contain information, advertising or symbols including any form of visual artistic representation.
 - L. Swimming Pool- means those persons, businesses or companies that provide services to dig and install, repair or replace indoor or outdoor tank(s) of water and pumping and filtering equipment used for human swimming purposes.
 - M. Waterproofing- means those persons, businesses or companies that provide services to install, apply or remove materials applied to building foundations, walls, and floors to prevent the penetration of water into the interior of a building structure.
 - N. Windows- means those persons, business or companies that provide services to install, repair or replace framed glass structures installed on the exterior of building structures.
- (2) Skilled Trades. State Contractors license required to register for skilled trades on commercial projects.
- A. ELECTRICIAN- means those persons, businesses or companies that provide services to install, repair or replace electrical apparatus or appurtenances within or about a building structure or specific location.

- B. FIRE/SECURITY DETECTION & SUPPRESSION- means those persons, businesses or companies that provide services to install, repair, test and replace fire or security detection equipment, reporting devices, fire sprinklers and piping, stand pipes, fire suppression equipment and suppression hoods.
- C. HYDRONICS- means those persons, businesses or companies that provide services to install, repair or replace fluid, steam or gas pressure piping systems within a structure.
- D. HVAC- means those persons, businesses or companies that provide services to install, repair or replace heating, ventilating, and air-conditioning systems within a building.
- E. PLUMBER- means those persons, businesses or companies that provide services to install, repair or replace pipes and fixtures used to transport water and sewage within or about a building structure or property.
- F. REFRIGERATION- means those persons, businesses or companies that provide services to install, repair and replace systems that vaporize and liquefy a fluid used for refrigerate storage systems and other components attached.
(Ord. 77-05. Passed 11-28-05.)

1341.02 SPECIFIC REQUIREMENTS.

The specific requirements imposed upon said contractors shall be established by the Lancaster City Building Department. The initial standards promulgated by the Department are attached to Ordinance 72-04. (Ord. 72-04. Passed 12-20-04.)

1341.99 PENALTY.

The failure to register shall be considered a first degree misdemeanor. Each day that a contractor fails to register constitutes a separate offense.
(Ord. 72-04. Passed 12-20-04.)

CHAPTER 1345
Impact Fees

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1345.01 LEGISLATIVE FINDINGS.

The City Council (the “Council”) of Lancaster, Ohio (the “City”) hereby finds, determines and declares that:

- (a) The City must expand and upgrade its Fire/EMS system in order to maintain current levels of service if new development is to be accommodated without decreasing current levels of service. This must be done in order to promote and protect the public health, safety, and welfare;
- (b) The use of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities and equipment necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare;
- (c) Each of the types of land development described in Section 1345.07 hereof, will generate demand for fire and medic services necessitating the acquisition of land for new fire facilities and new equipment;

- (d) The fees established by Section 1345.07 are derived from, are based upon, and do not exceed the costs of providing necessary facilities or equipment necessitated by the new land developments for which the fees are levied; and
- (e) The report entitled Lancaster, Ohio Fire/EMS Impact Fee Study, City of Lancaster, dated April 2005, attached hereto as Exhibit "A" and incorporated herein by reference, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the fire/EMS system and the need for the costs of additional fire houses, equipment in connection with and necessitated by new developments.
(Ord. 24-05. Passed 5-23-05.)

1345.02 SHORT TITLE AND APPLICABILITY.

- (a) This chapter shall be known and may be cited as the "Lancaster Fire/EMS Improvement District Ordinance".
- (b) This chapter shall apply to any and all areas within the corporate boundaries and limits of the City of Lancaster, as such boundaries and limits may change from time to time, as Fire/EMS System Impact Districts are established by the City, and as such areas may be included or located within a Fire/EMS System Improvement District approved and established by the City. (Ord. 24-05. Passed 5-23-05.)

1345.03 INTENT AND PURPOSES.

- (a) This chapter is intended to assist in the orderly growth and development of the City, to assist in securing and providing for the coordination of fire/EMS facilities, to assist in the furtherance of the public health, safety, and welfare, by planning of efficient timely fire and medical response, and further to assist in the implementation of the City of Lancaster Land Use Plan, the City of Lancaster Fire/EMS Study (2001), and the Lancaster, Ohio Fire/EMS Impact Fee Study (April 2005).
- (b) The purpose of this chapter is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide fire and EMS response within the City.
- (c) It is the general intent of this chapter to require feepayers to make payment of only the applicable fire/EMS system improvement fee, and to eliminate any additional feepayer obligation to the City or payment to the City for fire/EMS system improvements required as a result of that same land development activity. However, in the event capital improvements or expansion of the fire/EMS system are required because of unique or special characteristics of a particular land development activity or particular land development, and if such improvements or expansion are not part of a City approved Fire/EMS System Improvement project for the Fire/EMS System Improvement District in which the land development activity or land development is located, and then the full obligation to the finance and pay for all matters related to causing the construction and completion of such fire/EMS improvements or expansion shall be the sole and full obligation of the feepayer.
(Ord. 24-05. Passed 5-23-05.)

1345.04 RULES OF CONSTRUCTION.

For the purposes of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter.

- (a) In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
- (b) The word “shall” is always mandatory and not discretionary; the word “may” is permissive.
- (c) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (d) The phrase “used for” included “arranged for”, “designed for”, “maintained for”, or “occupied for”.
- (e) The word “person” includes an individual, a group of individuals, a corporation, a partnership, a sole proprietorship, an incorporated association, any business association, an estate, or any other similar entity.
- (f) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and”, “or” or “either . . . or”, the conjunction shall be interpreted as follows:
 - (1) “And” indicates that all the connected terms conditions provisions or events shall apply.
 - (2) “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3) “Either . . . or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- (g) The word “includes shall not limit a term to the specific example but is intended its meaning to all other instances or circumstances of like kind or character,
- (h) “Service-Safety Director” means the Service-Safety Director of Lancaster, Ohio or the municipal official or administrative staff person that the Service-Safety Director may designate to carry out the administration of this ordinance.
(Ord. 24-05. Passed 5-23-05.)

1345.05 DEFINITIONS.

(a) A “feepayer” is a person commencing a land development activity within the boundaries of a City of Lancaster Fire/EMS System Building Impact Fee District, which generates a demand for Fire/EMS and which requires the issuance of a building permit or renewal of a building permit.

(b) A “capital improvement” may include fire/EMS planning, preliminary engineering, engineering design studies, land surveys, appraisal, land acquisition, engineering, permitting, and administrative and legal expenses related to and in connection with construction of all the necessary features for any fire/EMS construction project or piece of equipment including, but not limited to:

- (1) Construction of new fire department structures,
- (2) Upgrade of current fire department structures,
- (3) Expansion of current fire department structures,
- (4) Purchase, lease, or rehabilitation of fire equipment,
- (5) Purchase or lease of land for new, upgraded, or expanded fire department structures,

(c) “Land Development Activity Generating Demand for Fire/EMS” means any change in land use or any construction of buildings or structures, including accessory buildings or structures, or any change in the use of any structure that creates a need for fire department services or medic service by the presence of people or real or personal property on the site.

(d) The words “Fire/EMS System Improvement” and “Fire/EMS System Impact” shall have the same and similar meaning.
(Ord. 24-05. Passed 5-23-05.)

1345.06 IMPOSITION OF FIRE/EMS SYSTEM IMPACT FEE.

(a) Any person who, after the effective date of this chapter, seeks to develop land within a Fire/EMS system Improvement District and for which no exemption is provided by this chapter for the type of development proposed, by applying for: a building permit; a renewal of a building permit for new residential or commercial builds issued prior to the effective date of this chapter; or to make an improvement to land which will generate demand for fire/EMS service is hereby required to pay a fire/EMS impact fee in the manner and amount set forth in this chapter.

(b) No building permit or renewal of a building permit for new residential or commercial construction shall be issued or approved, whichever is applicable, for any activity requiring payment of an impact fee pursuant to Section 1345.07 until the fire/EMS system impact fee hereby required has been paid.

(c) No extension of a building permit for new residential or commercial builds issued prior to the effective date of this ordinance, for an activity requiring payment of an impact fee pursuant to Section Seven of this ordinance shall be granted unless and until the fire/EMS system impact fee hereby required has been paid.
(Ord. 24-05. Passed 5-23-05.)

1345.07 COMPUTATION OF THE AMOUNT OF FIRE/EMS SYSTEM IMPROVEMENT FEE.

(a) The amount of the fire/EMS system impact fee for Fire/EMS System Improvement District applicable shall be determined by the fee schedule included in Exhibit “A,” attached hereto and included herein. The fee schedule includes a reduction of the gross fee required by reflecting and accounting for other sources of funding as same is reflected in Exhibit “A.” When use of the schedule or any determination of the amount of fee requires the use of square footage as factor, the gross square footage of the applicable building(s) or structure(s) shall be used as the amount of square footage to determine the appropriate fee.

- (1) If a building permit is requested for mixed uses or a mixture of land development activities, then the fee shall be determined through using the applicable schedule by apportioning the space committed to uses specified on the applicable schedule.
- (2) For applications for an extension of a building permit the amount of the fee is the difference between that fee then applicable at the time of permit extension and any amount already paid pursuant to this ordinance.

- (3) If the type of development activity that a building permit is applied for is not specified on the applicable fee schedule, the Service-Safety Director shall use the fee applicable to the most nearly comparable type of land use on the fee schedule. If the Service-Safety Director determines that there is no comparable type of land use on the applicable fee schedule then the Service-Safety Director shall determine the fee by:
 - A. Using such other technical data or information as the Service-Safety Director deems appropriate; and
 - B. Applying the applicable formula pursuant to subsection (a) hereof; and
 - C. If applicable, reducing the fee as indicated in subsection (a) above.
- (4) In the case of change of land development activity category, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit and which further requires the payment of an impact fee pursuant to this ordinance, the impact fee shall be based upon the net positive increase in the impact fee for the new category as compared to the previous category. The Service-Safety Director shall be guided in this determination by the fee schedule for the Fire/EMS System Improvement District in which the land development activity is located.

(b) If a feepayer disagrees with the amount of impact fee required to be paid by the feepayer, or disagrees with any determination of the Service-Safety Director and which pertains to the requirement of an impact fee payment, the feepayer may appeal the amount of the fee or the determination of the Service-Safety Director to the Board of Zoning Appeals pursuant to Lancaster Codified Ordinance 1157. The fee paid to the Board of Zoning Appeals shall be borne by the appellant. (Ord. 24-05. Passed 5-23-05.)

1345.08 PAYMENT OF FEE.

(a) The feepayer shall pay the fire/EMS system impact fee required by this chapter to the Service-Safety Director or his/her designee as follows:

- (1) If the land development activity is composed of only single family dwelling units, the fee shall be paid prior to the release and approval by the City of the building permit for the single family development activity.
- (2) For all land development activity that includes any uses other than single family dwelling units, the fee applicable to that development shall be paid prior to the issuance by the City of the building permit for that development.

(b) All funds collected shall be properly identified by the Fire/EMS System Impact Fee District and promptly transferred for deposit in the appropriate Fire/EMS Impact Fee Trust Fund to be held in separate accounts as determined in Section 1345.10 and used solely for the purposes specified in this chapter.
(Ord. 24-05. Passed 5-23-05.)

1345.09 FIRE/EMS SYSTEM IMPACT FEE DISTRICTS.

There is hereby established fire/EMS system improvement district as shown in Exhibit "B," attached hereto and incorporated herein by reference, for the City of Lancaster and such districts shall be labeled as pursuant to Exhibit "B." The City may establish and create additional fire/EMS system improvement districts by adoption of an ordinance establishing such additional districts. (Ord. 24-05. Passed 5-23-05.)

1345.10 FIRE/EMS SYSTEM IMPACT FEE TRUST FUNDS ESTABLISHED.

(a) There shall be established a separate Fire/EMS System Impact Fee Trust Funds for each fire/EMS system impact fee district established by Section 1345.09. Additional Fire/EMS System Impact Fee Trust Funds may be established by Council as additional fire/EMS impact fee districts may be established and created.

(b) Funds withdrawn from these accounts must be used in accordance with the provisions of Section 1345.11.
(Ord. 24-05. Passed 5-23-05.)

1345.11 USE OF FUNDS.

(a) Funds collected from fire/EMS system impact fees shall be used for the purpose of capital improvements to and expansion of fire department facilities associated with the current Fire/EMS Study and Fire/EMS Impact Fee Study, or as such plans may be amended by the City, plus administrative costs and expenses pursuant to the provisions of this chapter.

(b) No funds shall be used for periodic or routine maintenance.

(c) Funds shall be used for capital improvements or equipment within the Fire/EMS System Improvement District, from which the funds were collected. Funds may be used for capital improvements that are located outside the fire/EMS system improvement district from which the funds were collected so long as such capital improvement is deemed to be beneficial to the fire/EMS system improvement district from which the funds were collected and the area of this same capital improvement is contiguous to or touches the land area of the fire/EMS improvement district from which the funds were collected.

(d) In the event that bonds or similar or other debt instruments are issued for advanced provision of capital improvements or equipment for which fire/EMS system impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in subsection (a) hereof and are located within the appropriate impact fee districts created by Section 1345.09 or as provided in subsection (c) hereof.

(e) At least once each fiscal period the Service-Safety Director shall present to the City Council of Lancaster for consideration a proposed capital improvement and equipment program for fire/EMS as deemed appropriate and which may include any accrued interest, from the Fire/EMS System Improvement Trust Funds existing at that time to specific fire/EMS system improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same Fire/EMS System Improvement Fee Trust until the next fiscal period except as provided by the refund provisions of this chapter.

(f) Funds may be used to provide refunds as described in Section 1345.12.

(g) The City of Lancaster shall be entitled to retain not more than ten percent (10%) of the funds collected as compensation for the expense of collecting the fee and administering this chapter; and such amounts shall be referred to as and “administrative fee.”
(Ord. 24-05. Passed 5-23-05.)

1345.12 REFUND OF FEES PAID.

If a building permit expires without commencement of construction, then the feepayer shall be entitled to a refund equal to one hundred percent (100%) of the original fee paid, without interest, except that the City shall retain an amount up to its then current administrative fee percentage of the fee to offset a portion of the costs of collection and refund. The feepayer must submit an application for such a refund to the Service-Safety Director within 60 days of the expiration of the permit. (Ord. 24-05. Passed 5-23-05.)

1345.13 EXEMPTIONS FROM PAYMENT OF IMPACT FEES.

- (a) The following shall be exempted from payment of the impact fee:
- (1) Alterations or expansion of an existing building where no additional single-family or multi-family units are created, where the use is not changed, and where no additional demand for fire/EMS will be produced over and above those produced by the existing use.
 - (2) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
 - (3) Any expansion of a single family dwelling unit.
 - (4) The expansion of any building or structure in which the use is other than single family use, and the area of the expansion is less than 1,500 square feet.
 - (5) Any governmental facility or land use by the federal government, by a county government, by a public school district, by a municipality, or by another political subdivision as such subdivision is recognized by the Ohio Revised Code.
 - (6) Developments for which a completed building permit application complying with Building Department’s policies and procedures including required attachments has been submitted and paid for prior to the effective date of this ordinance. The Building Official may reject any building permit applications which do not comply with the City’s policies and procedures.
 - (7) Upon approval by the City, a feepayer may waiver his/her exemption rights and voluntarily make payment of the appropriate fee and in such event the feepayer shall comply with all applicable provisions of this ordinance.
 - (8) Contracts or agreements to purchase a single residential unit by an owner and resident of the unit executed prior to the effective date of this ordinance are exempt.
 - (9) Any Federal Housing Tax Credit applications that are filed with the Ohio Housing Finance Agency prior to the effective date of the ordinance are exempt.

(b) Any claim of exemption must be made prior to or at the same time as the submission of the application for a building permit. Any claim not so made shall be deemed waived. (Ord. 24-05. Passed 5-23-05.)

1345.14 CREDITS AGAINST PAYMENT OF IMPACT FEES.

(a) No credit shall be given for site related improvements or site related right-of-way dedication unless it complies with subsection (d) hereof.

(b) A feepayer may obtain credit against all or a portion of fire/EMS system impact fees otherwise due or to become due by offering concessions or contributions. This offer must specifically request or provide for a fire/EMS system impact fee credit. Such construction must be in accordance with all applicable federal, state, county, and City of Lancaster design and construction standards, laws, regulations, rules, and ordinances. Acceptance of credits for non site related dedication, construction, or concessions listed in subparagraph (d) of this section are solely granted at the discretion of the City of Lancaster through its Service-Safety Director based on the dedication, construction, or concession's overall benefit to the provision of the City Fire/EMS Service and to public health, safety, and welfare. If the Service-Safety Director accepts such an offer, the credit shall be determined and provided in the following manner:

- (1) Credit for the dedication or construction of a non-Site-Related land shall be valued at one hundred percent (100%) of the most recent assessed value by the Fairfield County, Ohio Auditor prior to any increase in value resulting from actual or City approvals of the proposed development, or at the option of the feepayer, by fair market value prior to any increase in value resulting from actual or City approvals of the proposed development and as established by private, independent appraisers acceptable to the City. Credit for the dedication of land shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the Service-Safety Director. All costs associated and in connection with an independent appraisal for the purposes of establishing a fair market value of dedicated land shall be the obligation of the feepayer requesting the credit.
- (2) Applications for credit for concessions shall submit acceptable engineering drawings and specifications, and construction cost estimated to the Service-Safety Director. The Service-Safety Director shall determine the credit amount for construction based upon either these costs estimates or upon alternative engineering standards and construction cost estimates if the Service-Safety Director determines that such estimates submitted by the applicant are either unreliable or inaccurate. The Service-Safety Director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the Service-Safety Director before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.

- (3) If the City allows the feepayer to construct, build, or purchase the improvement, or piece of equipment as provided in the above paragraph, and if the costs to the feepayer for constructing the fire/EMS improvements exceed the amount of impact fee credit that feepayer will receive, then the City may, at its sole discretion, reimburse the feepayer for the amount of non-site-related improvement costs that exceed the amount of credit the feepayer will receive. The City at its sole discretion may make said reimbursement within two (2) years after the improvement/purchase is complete or as the parties mutually agree.
- (4) Credit against impact fees otherwise due will not be provided until:
 - A. The applicable construction is completed and accepted by the City;
 - B. A suitable maintenance and warranty bond or a letter of credit is received and approved by the Service-Safety Director; and
 - C. All design, construction, inspection, testing, bonding, and acceptance procedures are in strict compliance with the then current City of Lancaster laws, regulations, rules and applicable designs, and construction standards.
- (5) Credits may be provided before completion of specified improvements if adequate assurances are given by the applicant that the standards set out in Section (14)(B)(4)(C) will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with and approved by the Service-Safety Director in an amount determined by the Service-Safety Director and consistent with the then current approved practice of the City. All costs associated with the feepayer acquiring, maintaining, or presenting the security for which is provided in this paragraph shall be the full obligation of the feepayer and shall not be included in or be a part of any amount of feepayer credit. If the fire/EMS project will not be constructed or purchased within one (1) year of the acceptance of the offer by the Service-Safety Director, the amount of the security shall be increased by ten percent (10%) compounded, for each year of the life of the security. The security shall be reviewed and approved by the Lancaster City Law Director prior to acceptance of the security by the Service-Safety Director.

(c) Any claim for credit by a feepayer shall be made pursuant to the provisions of subsection (b)(1) and (b)(2) of this section, but in no event shall any claim be made later than the sixty (60) days after the application for a building permit or renewal of a building permit, whichever is applicable. Any claim not so made shall be deemed waived.

(d) The City may at its sole discretion consider a credit based on the terms of this chapter for the following concessions or contributions of the property owner:

- (1) Adding fire sprinkler or suppression systems to buildings that would otherwise be too small for applicable building fire codes to require sprinklers;

- (2) The use of non-combustible construction materials where applicable building and fire codes would not require same;
- (3) Provisions for a full perimeter fire lane where applicable building and fire codes would not require same;
- (4) The donation of land for a fire station (only where a new station location would meet the City's needs)
- (5) The provision of a development agreement with the City for purposes of job creation or for consideration of other fee or tax revenue generation.

(e) Credits shall not be transferable from one project or development to another without the approval of the City Council and may only be transferred to a development in a different impact fee district upon a finding by the City Council that the project for which the credit was given benefits such different impact fee district.

(f) In the event fee schedules are subsequently changed to reflect increases or decreases in construction costs or other relevant factors, the fee at the time of the application for a building permit or building permit renewal shall apply.

(g) Determination made by the Service-Safety Director pursuant to the credit provisions of this section may be appealed to the Board of Zoning Appeals pursuant to Section 1345.17. (Ord. 24-05. Passed 5-23-05.)

1345.15 REVIEW AND TERMINATION OF DISTRICTS.

(a) The fees specified in Section 1345.07(a) shall be reviewed by the City Council at least every two (2) years, and at such review time City Council may maintain, reduce or increase the then current fees. In its review, the City Council shall be guided by, but not be limited to, the following factors:

- (1) Regional changes in the cost of construction materials and labor for facility improvements and equipment;
- (2) Amendments and changes to the City's Land Use Plan;
- (3) Amendments and changes to the City's Fire/EMS Study;
- (4) Interest rate factors for bonds; and
- (5) Changes in accepted and approved Fire/EMS Standards for Provision of Service.

(b) If all land development activity of any particular Fire/EMS System Improvement District is maximized and fully built out, and if all capital improvements and equipment for that district have been fully constructed and completed, and if all financial obligations of that district and the corresponding trust fund are fully paid, and if the Council finds there is no further need for the District and there are no further capital improvements or equipment to be made for the benefit of the District, then in such event the Council shall, by ordinance, dissolve that particular district and any corresponding trust fund(s) for that district. Dissolution and termination of the trust fund(s) and disposition of any remaining balance in such fund(s) shall be pursuant to law. (Ord. 24-05. Passed 5-23-05.)

1345.16 PENALTY PROVISIONS.

(a) Whoever violates this chapter shall be guilty of the following offenses and shall be subject to the following penalties:

- (1) For a first offense, a misdemeanor of the third degree.
- (2) For any offense beyond the first offense, a misdemeanor of the second degree.
- (3) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) The City of Lancaster, the Service-Safety Director on behalf of the City of Lancaster, and officer designated by the Service-Safety Director to act on behalf of the City of Lancaster, or the City Law Director may, in addition to the criminal remedies provided in this chapter, file suit for injunction against any violation of this chapter, or if the violation has caused damages to the City of Lancaster for a judgment for damages.
(Ord. 24-05. Passed 5-23-05.)

1345.17 APPEALS.

(a) The Board of Zoning Appeals shall be the Appeals Board for this chapter.

(b) Lancaster Codified Ordinance 1157 shall govern as applicable. Where a conflict between Lancaster Codified Ordinance 1157 and this chapter arises as to the Board of Zoning Appeal's role, this chapter shall control. The appellant shall pay the appeal application fee, the fee to the Board Members, and the impact fee at the time of filing said appeal. For a period of 90 days after the effective date of this chapter, an appellant's application fee shall be waived and the impact fee shall not be paid pending the appeal process. The appellant shall pay the fee for the Board of Zoning Appeal Board Members pursuant to Chapter 1157 of the Codified Ordinances of the City of Lancaster.

(c) The Board shall have jurisdiction to hear and decide all appeals made by any feepayer who has filed a timely appeal and who disagrees with the amount of impact fee required to be paid by that feepayer for the proposed development, or any feepayer who disagrees with any determination of the Service-Safety Director and which pertains to the requirement of an impact fee payment. Unless an extension of time is approved by all parties, all appeals shall be heard by the Board within forty-five (45) days after the filing date of all timely filed appeals. The Board shall render its decision in writing on each appeal within thirty (30) days after it concludes the hearing on that particular appeal.

(d) All appeals shall be made in writing, shall be on forms supplied by the City of Lancaster, shall be filed with the Service-Safety Director, and must be filed no later than fifteen (15) days after the date the Service-Safety Director determines the amount of fee to make his/her determination, whichever is the subject of the appeal. All written appeals shall set forth, in detail, the reasoning and basis of the appeal and shall be signed and notarized. All feepayers filing an appeal shall pay at the time of filing such appeal the then current impact fee appeal fee, as such fee may be administratively established by the Service-Safety Director. The feepayer shall be notified of the time, place, and date upon which the Board will hear that feepayer's appeal.

(e) The Board shall adopt conclusion of fact for each appeal on which it makes a final decision. No decision in favor of the Appellant shall be made by the Board until and unless the Board determines the following:

- (1) The appeal application was timely filed.
- (2) The reasoning and basis set forth in the appeal application are valid and not solely for the economic benefit of the affected feepayer or owner of the property on which is located the land development activity.
- (3) The relief requested by the Appellant is the minimum relief possible and other alternative relief measures are not practical or feasible.
- (4) Granting the relief sought by Appellant will not cause undue harm to the fire/EMS system in the fire/EMS Improvement District in which the land development activity of the affected feepayer is located.
- (5) Granting the relief sought by Appellant will not cause a sustained, continuous or periodic unsafe or dangerous fire/EMS condition so that it significantly decreases fire/EMS safety in the fire/EMS Improvement District in which the land development activity of the affected feepayer is located.
- (6) Granting the relief sought by Appellant will not cause funds that are collected from fire/EMS system impact fees to be used in a manner inconsistent with Section 1345.11.
- (7) Granting of the relief sought by Appellant will be consistent and in harmony with the intent and purposes set forth in Section 1345.03.
- (8) Granting the relief sought by Appellant will not cause a decrease in the then adopted and established Level of Service of the fire/EMS Improvement District in which the land development activity of the affected feepayer is located.

(f) The impact fee ordered by the Board of Zoning Appeals shall be paid 10 business days after the Board of Zoning Appeal's order is issued.
(Ord. 24-05. Passed 5-23-05.)

1345.18 REPEALER AND LIBERAL CONSTRUCTION.

(a) All code sections, ordinances, or parts thereof in conflict herewith shall be and are hereby repealed to the extent of such conflict.

(b) The provisions of this chapter are hereby found and determined by this Council to be in the furtherance of the public health, safety, welfare, and as such the said provisions shall be liberally construed so as to effectively carry out the purposes of this chapter.
(Ord. 24-05. Passed 5-23-05.)

1345.19 SEVERABILITY.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. (Ord. 24-05. Passed 5-23-05.)

1345.20 EFFECTIVE DATE.

This chapter shall take effect and be in force July 1, 2005.
(Ord. 24-05. Passed 5-23-05.)

Exhibit A - 1**Fire Impact Fee Schedule**

- (a) New Residential Units
 - (1) The fire impact fee will start being collected on the effective date of the ordinance through August 31, 2005 in the amount of \$555.00.
 - (2) The fire impact fee, effective September 1, 2005 through October 31, 2005 shall be \$1,110.00.
 - (3) The fire impact fee, effective November 1, 2005 through December 31, 2005 shall be \$1,660.00.
 - (4) The fire impact fee effective January 1, 2006 until amended shall be \$2,223.00.
- (b) New Commercial Development - \$0.95 per square foot
- (c) Mixed uses will be accessed pursuant to the ordinance